



*Random Thoughts  
and the Musings of a  
Mountaineer*

Judge Felix E. Alley



"Having been privileged to read in manuscript form the component chapters of Judge Felix E. Alley's incomparable book, I feel safe in predicting that it will soon become one of North Carolina's 'best sellers.' Although it will be of tremendous interest to the citizenry of the whole State, irrespective of vocation, it will have special appeal to clergymen, judges, lawyers, teachers, newspaper men, students of history, lovers of exquisite word-painting, people prideful of the 'Old North State's' glorious past, and, finally, to the general reader, in or outside the State, who enjoys a wholesome blend of wit, wisdom, thrilling incident, heart-stirring episode, eloquent inspiration, and spiritual uplift. Any single chapter is well worth the moderate price of this unique and lastingly valuable volume."

*Robt. L. Madison*

President-Emeritus of  
Western Carolina Teachers' College

---

I have known Judge Alley long enough and been with him on enough occasions to know that his book is highly interesting and informative. I have read the review in the *Charlotte Observer* and references in other publications. I look forward with much pleasure to having this volume.

Judge Alley has not only delighted his friends but has rendered a great state service in bringing out this volume. He is not only one of the ablest Superior Court Judges that we have ever had in North Carolina, but he is one of our most interesting and useful citizens. I am happy to be able to claim him as one of my warm personal friends.

Cordially yours,

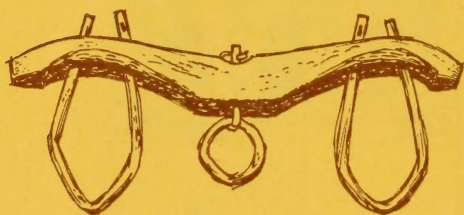
*Julius Broughton*  
Governor  
State of North Carolina



Random Thoughts  
and the Musings of a  
Mountaineer



LINCOLN ROOM  
UNIVERSITY OF ILLINOIS  
LIBRARY




MEMORIAL  
*the Class of 1901*

*founded by*  
HARLAN HOYT HORNER  
*and*  
HENRIETTA CALHOUN HORNER



Sincerely your friend,  
Felix B. Alley





Digitized by the Internet Archive  
in 2012 with funding from  
University of Illinois Urbana-Champaign







THE AUTHOR

RANDOM THOUGHTS  
AND THE MUSINGS  
OF A MOUNTAINEER

By

JUDGE FELIX E. ALLEY

*Printed by*

ROWAN PRINTING COMPANY  
SALISBURY, N. C.

*Bound by*

CAROLINA RULING & BINDING COMPANY  
CHARLOTTE, N. C.



**FIRST EDITION—1941**

**COPYRIGHT, 1941, BY  
FELIX E. ALLEY**

1151  
11622

## TABLE OF CONTENTS

### CHAPTER I.

#### JUST A WORD BEFORE WE START.

Childhood . . . First Banjo . . . Story of the Thread . . . New Banjo . . . Banjo Ballad . . . Struggles for Education . . . Finishes High School . . . Begins Study of Law . . . Enters Politics . . . Elected Clerk . . . Becomes own Law Instructor . . . Obtains License . . . Elected to State Legislature . . . Elected Solicitor . . . Continues Practice of Profession . . . Appointed Judge . . . Elected for Full Term . . . Obligation to Friends.	1 to 20
---	---------------

### CHAPTER II.

#### AT THE DEMOCRATIC STATE CONVENTION OF 1912.

Speech nominating Honorable Locke Craig for Governor . . . Tribute to memory of Judge James L. Webb . . . Tribute to Reverend Caleb A. Ridley . . . A pen picture of Christ.	21 to 37
--	----------------

### CHAPTER III.

#### THE AGE OF OPPORTUNITY.

Story of Greek God of Opportunity . . . Choosing life work . . . Success comes to those who find their proper place . . . No waste of energy in the government of God . . . The fable of the fig tree . . . Nature's gifts as numerous as the stars . . . The bootblack, the barber, the farmer, the builder . . . Human life compared to mountain River . . . Tuckasegee falls in Jackson County . . . Lessons taught by the Savior . . . Several roads in battle of life . . . Improve the opportunities of today . . . The River of Time . . . Our conduct is put to record . . . The clock of Destiny strikes now.	38 to 57
--	----------------

### CHAPTER IV.

#### ACCEPTING NEW COURTHOUSE AT WAYNESVILLE, N. C.

The giving of the law . . . Astrea, Goddess of Justice . . . The Persian Religion . . . Choice between Good and Evil, Right and Wrong . . . Every Courthouse a Temple of Tragedy . . . Tribute to Professor Robert L. Madison . . . Old Cullowhee High School . . . Western Carolina Teachers' College . . . The Temple of Vesta and the Vestal Virgins.	58 to 74
--	----------------



## CHAPTER V.

### RELIGION—A COMPARISON.

75  
to  
98

Religion inherent in the heart of man. Egyptian religion . . . The Scandinavian faith . . . Greek theogony . . . The Grecian Gods and Goddesses . . . The Roman Deities . . . The Hades of the Ancients . . . The Heaven of the Ancients . . . The Babylonian faith . . . The religion of Confucius . . . Hebrew Religion . . . The Mohammedan Religion . . . The Hindu Religion as exemplified in life and works of Gandhi . . . Zoroastrianism . . . Buddhism . . . The Aztec and Persian faith . . . Ancient Religions prepared mankind for the Christian faith . . . Religion as manifested in nature . . . The Bible a revelation from God . . . Christianity contrasted with other religions . . . Christ the Savior.

## CHAPTER VI.

### JESUS OF NAZARETH, THE SON OF MAN AND THE SON OF GOD.

99  
to  
120

Jesus appeared in the Classical Age to an enlightened people . . . He opened His mission with challenge to existing order . . . The Religion He established is founded on fact . . . Proven by testimony as other facts are proved . . . The testimony of the Evangelists . . . Application of rules of proof as in trials in our Courts . . . Corroborated by testimony of the five Apostolic Fathers . . . Supported and corroborated by unbelieving Jews of the First Century . . . Philo, the Alexandrian Jew . . . The Jewish Talmud or Commentaries on the Hebrew Law . . . The Toldoth Jeschu, or Generation of Jesus . . . Josephus, the Jewish Historian of the First Century admits the wonderful works of Jesus . . . Corroborates the testimony of the Evangelists . . . Pagan Witnesses . . . Tacitus . . . Pliny the Younger . . . Suetonius, Roman Historian . . . The Report of Pilate . . . Genuineness of, proved by Eusebius, Justyn Martyr, and Tertullian . . . Pilate's testimony treated both as admission and confession . . . Paul's testimony . . . The Divinity of Jesus . . . Miracle, proved by Nature . . . Illustrations . . . Testimony of the Savior Himself . . . Trial and crucifixion . . . Resurrection and Ascension.

## CHAPTER VII.

### THE IDEAL LAWYER.

Great need of State and Nation is knowledge of the law. Fundamental principles may be mastered in five years of intensive study . . . Resourcefulness necessary to success . . . Ideal lawyer must be a ready speaker . . . Ideal lawyer depends on his own preparation . . . Unwise cross-examination . . . Author's method of reaching decisions . . . Ideal lawyer is frank and honest with Court and opposing counsel . . . Ideal lawyer recognizes no mistress but the truth . . . Ideal lawyer does not follow course of least resistance . . . Essay on the goose . . . Ideal lawyer must travel the undemanded mile as taught by the Savior . . . Ideal lawyer is a religious man . . . Ideal lawyer is a minster of the law . . . The law not a system of mercy or vengeance . . . In time of trouble nation depends upon the Bar.	121 to 139
---	------------------

## CHAPTER VIII.

### THE HANDWRITING ON THE WALL

Political speech delivered in substance throughout North Carolina in the Presidential Campaign of 1932.	140 to 159
---	------------------

## CHAPTER IX.

### A FEW RANDOM THOUGHTS FOR THE BENCH.

The Judge compared with a scales . . . Both sides must be fully heard . . . How Judge should treat the lawyers . . . Courage an essential of justice . . . Judicial dignity . . . Justice is blind when she poises her scales . . . The jail, a poem . . . The law in the Scriptures . . . Salvaging the driftwood . . . The value of a young man . . . Maxims for the Bench . . . The Judge, a poem.	160 to 174
---	------------------

## CHAPTER X.

### A FEW RANDOM THOUGHTS FOR THE BAR.

Illustrations used in legal arguments . . . Character . . . The flight of a spirit . . . A plea for sympathy . . . Faith in testimony . . . The miracles of Christ . . . The parables of Christ . . . The Sermon on the Mount, and the Golden Rule . . . The Superscription on the Cross of Christ . . . The scales of justice . . . The Hunchback of Notre Dame.	175 to 190
---	------------------



## CHAPTER XI.

### A FEW RANDOM THOUGHTS FOR THE BAR— CONTINUED.

191      Hold the rudder true . . . The Merchant of Venice  
to      . . . Justice tempered with mercy . . . The sympathetic  
214      jury . . . Circumstantial evidence . . . Tracks of God  
    . . . The silent witness . . . Reasonable doubt illustrated  
    . . . A real man . . . The true objects of pity . . . The  
    bridge builder . . . Justice, truth, and mercy . . .  
    Woman . . . Opportunity . . . He was down and out  
    . . . Courage in life . . . Courage of Hope . . . New  
    Year resolution . . . On lying down . . . The test of a man  
    . . . Now I lay me down to sleep . . . The best memory  
    system . . . The way of the world.

## CHAPTER XII.

### THE CAROLINA MOUNTAINS.

215      Reply to outside writers . . . They tell half truths,  
to      embellished by exaggeration, and untruths . . . My  
229      opportunities to know the mountains and mountaineers  
    . . . Original domain of North Carolina . . . The real  
    mountain Counties . . . The Unaka Range; the Blue  
    Ridge, and cross-ranges . . . The higher peaks . . .  
    Rainfall in the mountains . . . Variety and size of trees  
    . . . A word picture of the Carolina Mountains.

## CHAPTER XIII.

### THE CAROLINA MOUNTAINS—CONTINUED.

230      A visit to the old Homestead . . . Description of  
to      Unaka Kanoos, or Whiteside Mountain . . . The little  
243      spring and Norton's Fork . . . A visit to the Silent City  
    of the dead . . . A description of the Northern side of  
    the Smokies . . . Wayah Bald, the mountain of the Wolf  
    . . . Legend of Coneheeta, the wise man of the Cherokees  
    . . . From Wayah Bald, the highest elevation in the  
    Nantahalas, you feel that you see "All the Kingdoms  
    of the world and the glory of them." Sunrise from  
    Wayah Bald . . . Sunset from Wayah Bald . . . The  
    Nantahala Moon.

## CHAPTER XIV.

### WHO WERE THE PIONEERS OF THE CAROLINA MOUNTAINS?

They were not criminals from England, as asserted by some outside writers . . . DeSoto's trip through the Carolina Mountains . . . Evidence of Spanish mining . . . Early traders and explorers . . . The mountains were settled by Scotch-Irish, English, and Dutch . . . Heroes of Battle of Alamance among them . . . The Watauga Settlement . . . The first republic in America was in Carolina Mountains . . . The best blood of four races flows in veins of Carolina Mountaineers.

244  
to  
255

## CHAPTER XV.

### THE CONQUERING OF A WILDERNESS BY A RACE OF HEROES.

The first settlements in Surry, Wilkes, Burke, and Rutherford . . . No roads but buffalo trails . . . The first cabins . . . Scarcity of tools and cooking utensils . . . Woods full of game as well as dangers . . . Discovery and mining of iron . . . The beginning of stockraising . . . The coming of the loom and the weaving of cloth . . . Process of weaving described . . . Hogs fattened on the "fruit" of the forest . . . Chitterlings the best part of the hog . . . Membership in the "Cheerful Chitterling Chewers Club" of Winston-Salem and the "Society of Tripe and Chitterling Eaters of America" . . . The beginnings of road building . . . The first schools . . . The days of the good neighbors.

256  
to  
272

## CHAPTER XVI.

### MOUNTAINEER COURAGE.

The mountaineers' part in the early years of the Revolution . . . Prevented Indians from joining the British . . . The winning of the Battle of King's Mountain . . . The conquering of the Red Men . . . The mountaineers' part in the various wars in which our country has engaged . . . The war between Highlands and Moccasin Townships . . . The blood of Scotland, Ireland, Holland, and England flows in the veins of the Carolina Mountaineers . . . Dangers, hardships, and hazards of pioneer life developed a type of men and women superior to the common run. Mountaineers have no apology for the record they have made.

273  
to  
290

## CHAPTER XVII.

### THE ORIGINAL CAROLINA MOUNTAINEERS.

- 291 The Cherokee Indians . . . Origin . . . Habits and  
to characteristics . . . Territory and Wars with Indian  
306 Tribes and Early Settlers.

## CHAPTER XVIII.

### THE ORIGINAL CAROLINA MOUNTAINEERS— CONTINUED.

- 307 The various Treaties . . . Trespasses of white settlers  
to into Indian boundaries . . . Review of Indian Land  
325 Laws . . . Statutes, Treaties and decisions of the Courts  
. . . Removal to Indian Territory . . . Remnants of  
Original Nation were ancestors of present Eastern Band  
of Cherokee Indians . . . Our heritage from the Indians.

## CHAPTER XIX.

### THE ORIGINAL CAROLINA MOUNTAINEERS— CONCLUDED.

- 326 The visit of Tecumseh . . . Chief Junaluska, the  
to friend of the Pale faces . . . A collection of Indian  
349 legends.

## CHAPTER XX.

### ANDREW JACKSON WAS A CAROLINA MOUNTAINEER.

- Born in North Carolina . . . Attended school at  
Waxhaw . . . Served in Revolution at age of fifteen . . .  
Studied law at Salisbury for two years . . . Stood ex-  
amination for license and admitted to practice at Wades-  
boro, September 26, 1797 . . . Locates at Jonesboro,  
N. C., in spring of 1788 . . . Moves to Nashville in 1789  
. . . Appointed Solicitor of Mero District in 1789 . . .  
350 Appointed U. S. Attorney for Tennessee Territory in  
to 1790 . . . First member of Congress from Tennessee,  
370 June 1, 1796 . . . Appointed to U. S. Senate. 1797 . . .  
Resigned April, 1798 . . . Appointed in 1798 to Superior  
Court Bench . . . Resigned July 1, 1804 . . . Fought  
and won Creek War . . . Victory of New Orleans,  
January, 1815 . . . Crushed Seminoles in Florida, and  
became Florida's first Governor . . . Defeated for  
President in 1824 . . . Elected in 1828 and 1832 . . .  
Compared with Roosevelt.



## CHAPTER XXI.

### ABRAHAM LINCOLN WAS A NATIVE OF THE CAROLINA MOUNTAINS.

Lincoln an illegitimate . . . Testimony of Herndon . . . Lincoln's admission . . . Scripps' statement . . . Lamon's testimony . . . Newton's investigation . . . The nine alleged fathers of Lincoln . . . Evidence collected by Cathey and Coggins . . . D. J. Knotts' evidence . . . John E. Burton statement . . . Suppressed testimony and presumptions arising therefrom.	371 to 395
--	------------------

## CHAPTER XXII.

### ABRAHAM LINCOLN WAS A NATIVE OF THE CAROLINA MOUNTAINS—CONTINUED.

Nancy Hanks, mother of President Lincoln . . . Grand-daughter of Joseph and Nancy Shipley Hanks of Amelia County, Virginia . . . Comes with Colony to what is now Gaston County, N. C. . . . Lives with her uncle "Dicky" Hanks . . . Removal to Rutherford County . . . Reared to womanhood in home of Abraham Enloe . . . Removal to Swain County . . . Removal to Craytonville, S. C., to work in bar of her uncle Luke . . . Meets John C. Calhoun at Hanks tavern . . . Illicit love affair with Calhoun . . . Calhoun becomes the father of Nancy's child . . . Evidence of Calhoun paternity of Abraham Lincoln: Judge James L. Orr, quoting testimony of Hanks family . . . J. B. Lewis . . . Statement of "Uncle" Johnnie Hanks to Dr. W. C. Brown . . . Statement of Mrs. Fannie Marshall, cousin of Calhoun . . . General Armistead Burt . . . Great-grandson of Calhoun testifies . . . Statement of grand-daughter at Charleston . . . Mrs. Ressie Miller Hook . . . Statement of grand-son, "Pat" Calhoun . . . William H. Abernathy of Charlotte . . . Professor A. G. Holmes, head of history department of Clemson College . . . The real Nancy Hanks, mother of Lincoln.	396 to 425
--	------------------

## CHAPTER XXIII.

### ABRAHAM LINCOLN WAS A NATIVE OF THE CAROLINA MOUNTAINS.—CONCLUDED.

Abraham Lincoln born in the Carolina Mountains . . . Competency of evidence as to the Calhoun paternity . . . Competency of the evidence as to birth place . . . Authorities cited . . . Calhoun's acknowledgment, and Nancy's admission . . . Remarkable resemblance, facial and intellectual . . . The inevitable conclusion.	426 to 439
---	------------------

## CHAPTER XXIV.

### HENRY W. GRADY WAS A NATIVE OF THE WESTERN CAROLINA MOUNTAINS.

Evidence by way of signed statements by those who knew the facts prove that Henry W. Grady, the great Atlanta Editor and Orator, was born at Murphy, N. C. . . . Lived as a child at what is now Hayesville, N. C. . . . Signed statements: Miss Hattie Axley . . . G. H. Haigler . . . Mrs. Pearl Herbert and husband . . . Dr. Earl Grady, cousin and personal secretary . . . Mrs. Lillie Terrell, great-aunt . . . Record evidence . . . Evidence constitutes true history as defined by Ridpath . . . Argument based on the evidence.

## CHAPTER XXV.

### THE HISTORY OF THE CAROLINA MOUNTAINEERS IS A HISTORY OF PROGRESS.

Definitions of General and Local History . . . Misrepresentations of mountaineers by Kephart, Miss Morley and other outside writers . . . Misrepresentations replied to . . . Recital of Mountaineers' progress from the time of first pioneers to the present day.

## CHAPTER XXVI.

### THE TRANSITION FROM THE OLD ORDER TO THE NEW.

Kephart and Morley leave impression that all mountaineers are "moonshiners" . . . Describe mountain women as "bent, broken, and ugly" . . . Same description as to men . . . Repeatedly say they are describing the "mass, or the average" . . . Author's description of beauty of mountain women . . . Kephart and Morley say we are still living in early part of Eighteenth Century . . . They do not write of the average mountaineers or the leaders . . . Miss Morley contends that the people are starving "spiritually" . . . Instances showing that contrary is true . . . Miss Morley asserts that Biltmore Estate was first civilizing influence to come to the mountains . . . Instances of industrial development and progress . . . Tribute to Champion Paper & Fibre Company, and its contribution to progress of the mountain region . . . The old compared to the new order.

## CHAPTER XXVII.

### MOUNTAINEER WIT.

Boney Ridley . . . Dr. "Snipe" McCloud . . . Dave Lewis . . . Fid Hurst . . . Dr. Crawford . . . The Coroner's report . . . The stubborn juror . . . Jim Abernathy . . . The 'liminated jury . . . The man with four mothers-in-law . . . The mother-in-law and the panther . . . "Morphine", the offspring of the wild poppy . . . The Kentuckian's Psalm of Life, etc.	498 to 513
--	------------------

## CHAPTER XXVIII.

### NORTH CAROLINA AS A FIRST AND LAST STATE.

Physical description . . . First English settlement in North Carolina . . . Colony absorbed by Croatan Indians . . . Eleanor Dare Stones . . . The Stamp Act . . . The Stamps that were not unloaded in North Carolina . . . First armed resistance to British tyranny . . . Battle of Alamance was first battle of the Revolution . . . Watauga Association, first republic in America . . . North Carolina first to declare Independence . . . Rowan Declaration . . . Mecklenburg . . . Fayetteville . . . Tryon . . . Halifax, all before Philadelphia Declaration . . . Next to last State to secede from Union . . . Remained out until legislated back . . . States' part in our various wars . . . King's Mountain decisive battle . . . N. C. leads in many activities . . . Final tribute to Mountains and Mountaineers.	514 to 539
--	------------------



## ILLUSTRATIONS.

The Author, opposite title page	
Whiteside Mountain.....	16a
Tuckaseigee Falls.....	16b
Henry W. Grady.....	400a
House in which Grady was born, at Murphy, N. C.....	384b
House in which Grady lived at Hayesville, N. C.....	400b
Andrew Jackson.....	352a
Cabin Home of Nancy Hanks, near Belmont, N. C.....	352b
Nancy Hanks marker near Belmont, N. C.....	368a
The author in his office.....	384a
Abraham Lincoln as he appeared while President.....	368b
John C. Calhoun with hair and beard arranged as Lincoln wore his.....	368c
John C. Calhoun as he appeared after middle age.....	384c
Abraham Lincoln with beard removed and hair arranged as Calhoun wore his.....	384b
John C. Calhoun Mansion at Fort Hill (Clemson College), S. C.....	368d

## DEDICATION

To my wife, Mary Elvira Alley, and my daughter, Edna Louise Ray, whose devotion, trust and confidence in sunshine and in shadow have been my greatest inspiration, this book is affectionately dedicated.

## PREFACE

I have never before written a book; but I have observed in reading them that they always begin with a "preface", which is sometimes called "foreword". I have also observed that by whatever name called, the "preface" serves as an "apology" or "excuse" offered by the author to his prospective readers for having written the book at all.

I have always loved to read history, and for many years I have found pleasure in collecting items of local history, not only in the Counties of my own State, but also in many Counties of the adjoining States. National history is but a collection of the innumerable facts of local history brought together into a connected whole. Woodrow Wilson, himself a great historian, has said: "The history of a nation is only the history of villages and communities written large." In Chapter XXVIII I have collected the several Declarations of Independence, adopted in North Carolina long before the Philadelphia Declaration. As shown in that chapter several copies of the Mecklenburg Declaration were destroyed, and many writers have asserted that a Mecklenburg Declaration never did exist. What purported to be a copy of it was found among the papers of Ephraim Brevard, its author, and this copy has been published in certain magazines and newspapers and a copy has been graven on a bronze tablet which hangs in the corridor of the Mecklenburg Courthouse. Now, Dr. Archibald Henderson, of the State University, has found among the archives of that Institution a genuine copy of the original, which will be contained in his forthcoming history of North Carolina. The copy so found by him is the same copy appearing in this volume. I have included the Mecklenburg, the Fayetteville, the Tryon, and the Rowan Declarations, because they are not generally published, and as they breathe the very spirit of liberty, I felt that they should be within the reach of the average reader.

I am proud that I am a native-born North Carolinian; but I find still greater pride in the fact that I am a Carolina Mountaineer, "bred and born." Our magnificent mountain region gave me birth; I was nurtured at her breast; I have loved my life in the shadow of her templed hills; and when my final summons shall come, I trust that my ashes may repose in her friendly bosom, and that my spirit



may take its flight into the mysterious realms of the great Unknown from off the dizzy and lofty heights of her eternal mountains.

The true history of the Carolina Mountaineers has never been written. The little that has been written about them has not been written by their friends. Most that has been said about them has been said by northern writers, who knew nothing about them in the first place, and those who have written about them seemed to have been obsessed with the idea that they are freaks and curiosities.

To try to tell of the origin of our mountaineers; to publish at least a few of the facts that tell of their glorious past both in war and in peace; to mention at least a part of the facts which foretell the wonderful destiny that awaits them—these are some of the reasons which I offer as my “apology” for the publication of this volume.

Andrew Jackson was not a native of our mountain region; but he came here as a young man, and the Carolina Mountains gave him his opportunity, and prepared him for the position of leadership which he held in America throughout his eventful life. He was exceedingly popular in the North, and in the Empire State of New York they sought to proclaim him King of the United States!

Abraham Lincoln was born in the Carolina Mountains, and lived here as a child; he was exceedingly popular in the North—after he was assassinated!

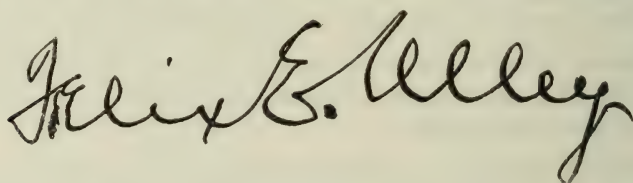
Henry W. Grady, one of the greatest orators of all time, was born in the Carolina Mountains, of mountain stock. He was exceedingly popular in the North and the North acclaimed him a great apostle of peace, “a sovereign among his peers.”

These three men were but samples of the material we have here; and they are not the only men born in our mountains who have helped to make our country glorious and great. Mountain men have filled with distinction every profession and calling in life.

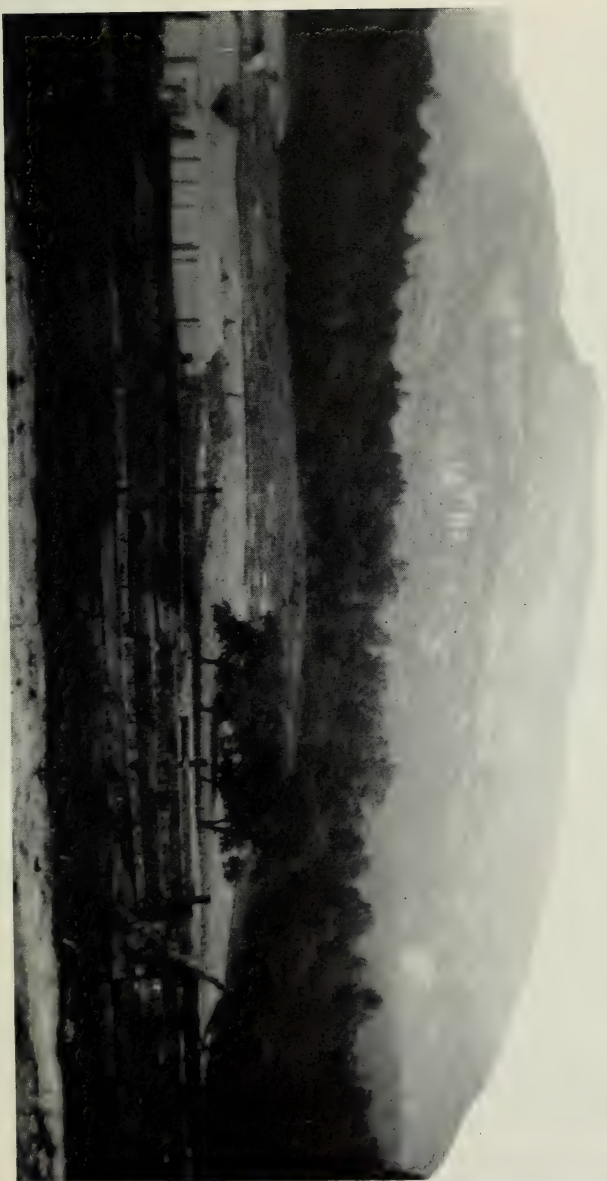
My book is essentially a mountain product. It is not only a book written by a mountain man about mountain people; but it is printed on mountain paper, manufactured from mountain wood by a mountain paper mill—the Champion Paper & Fibre Company which has made a wonderful contribution to the development and progress of our mountain region in recent years. Professor Robert

L. Madison, President-Emeritus of Western Carolina Teachers' College, has been good enough to devote ten days of his valuable time to the reading of my manuscript. He made many valuable suggestions, for which I am deeply grateful. He is the greatest English Scholar that I have ever known, and it afforded me great satisfaction when he gave my manuscript his unqualified approval.

I have given my book the title "Random Thoughts and the Musings of a Mountaineer" because that is precisely what it is. It does not contain much about any one thing, and yet it has something about many things. It has been written under great difficulties, largely at night, within the past two years, in my room at the hotels and away from my library, and in the writing of it I have not taken one minute of time from my official duties. I trust that those who read it will find at least a modicum of the pleasure that I have found in writing it. What reception will be accorded it by the public, I have not stopped to conjecture. Whether it shall be well received, or shall not be received at all, I can only repeat what a good old mountaineer friend recently said to me: "I am a great believer in the doctrine that what is to be will be, *and what ain't, orter 'a been.*"

A handwritten signature in cursive script, reading "Felix E. Alley". The signature is written in dark ink and is positioned centrally on the page.

Waynesville, N. C.,  
July 5, 1941.



U-NA-KA OR WHITESIDE MOUNTAIN IN WHOSE SHADOWS THE AUTHOR  
WAS BORN AND REARED





TUCKASEE FALLS—JACKSON COUNTY, N. C.

## INTRODUCTION

Presenting an Unusual Man and  
Selections from His Best Productions-  
Literary, Oratorical, Philosophical, Theo-  
logical, Etc.

A great book that comes from a  
great thinker is a ship of thought,  
deep freighted with truth & beauty.- Theo.  
Parker.

A good book is the precious life  
blood of a master spirit, embalmed and  
treasured up on purpose to a life be-  
yond life.-Milton.

Honored by the invitation to write  
the introductory section of this re-  
markable book, Judge Alley's former  
instructor congratulates those whose  
fortunate privilege it will be to read  
all or any of the following fascinating  
and instructive chapters filled with  
the inspired thoughts of a gifted  
Carolina highlander.

On North Carolina's lengthy roster of eminent men whose extraordinary abilities and distinguished services have blessed the State and added lustre to her renown, certainly Judge Felix E. Alley deserves high rank. His steady rise, despite poverty, obscurity, the handicap of juvenile ill health, and the lack of early educational advantages, has been truly phenomenal.

In contemplating the astonishing evolution of Judge Alley's character and capabilities, one is uplifted and enheartened; for in them are revealed the logical and unfailing results of high and undaunted aspiration coupled with self-knowledge, self-discipline, and self-control. His tireless energy aided by his persistent utilization of every precious spare moment in the intervals of an exacting professional and official life will account for his enormous stores of learning and the prolific fruitage of his versatile genius in the fields of citizenship, lit-



erature, oratory, jurisprudence, and religion. His motto seems to have been substantially this: Time once passed is gone forever and millions of money will not bring back one moment that is lost.

But no amount of prideful praise by an affectionate old teacher, and no fulsome encumiums by fond, admiring friends would convince the public that Judge Alley is a great man. To establish his title to greatness, we need only to direct attention to the salient features of his notable career and to the scholarly, eloquent, and erudite products of his mind and heart, proofs of which are submitted within this volume. These things speak for themselves; and neither the man nor any self-expression of the man requires laudation in order to make manifest the merit of either the one or the other.

A ready and accurate means

of judging a man, aside from estimating his productions, is by ascertaining his companionships and his ideals. Using these criteria only, an observer has but to visit Judge Alley in his unique cabin-office at Waynesville, where, surrounded by a large and choice collection of books consisting mainly of works on history, literature, and religion, he spends most of the hours of his brief vacations reading, writing, and dictating. The commodious room is largely furnished with reminders of his boyhood mountain home; and the walls are adorned with pictures of good and great men—among them Aycok, Ehringhaus, and "Bob" Taylor. Some in this select gallery of fine faces represent distinguished personal friends; still others identify themselves through the familiar features of Washington, Lincoln, Wilson, and Franklin D. Roosevelt.

In Judge Alley's opinion, these are

the six greatest orators that America has produced: Patrick Henry, Clay, Calhoun, Webster, Henry W. Grady, and William J. Bryan. Their pictures also grace the cabin-office walls. But modern times have evoked in foreign lands geniuses of eloquence, and Judge Alley's discerning taste has led him to choose as the three supreme European orators: Mirabeau, of France; Emilio Castelar, of Spain; and Louis Kossuth, of Hungary. The noble likenesses of these orator-patriots, appropriately enough, are accorded place among the celebrities whose lineaments glorify the walls of Judge Alley's quiet and delightful retreat.

The discrimination shown by Judge Alley in assembling this array of pictures attests his admiration for men of vision, high ideals, and transcendent accomplishment.

Doubtless, many of the readers of this volume would appreciate a full account of Judge Alley's interesting and inspiring life; but the restric-



ted limits of this introduction forbid anything beyond a brief sketch presenting little more than the most important events in his noteworthy progress from the sickly childhood of an obscure mountain lad to a position among the foremost jurists and orators of his native State.

Heredity, environment, education, and religion, combined with lofty ambition and invincible resolution, are the major factors that have shaped the personality and assured the signal success of Judge Alley. There has been nothing spectacular or meteoric in the successive stages of Judge Alley's ascension to eminence; gradually and steadily upward he has risen, like a glowing star shining with increasing brilliance, as he has advanced to conspicuous position in the zenith of public view.

He was born, July 5, 1873, in Whiteside Cove, under the shadow of majestic Whiteside Mountain, one of his earliest inspirations. His fa-

ther, Col. John H. Alley, a Mexican War veteran, and his mother, Mary Norton Alley, were pioneer settlers in that part of what is now Jackson County and were both sturdy and intelligent people of unquestionable character.

Young Alley attended local public schools (usually six weeks in duration) until he reached the intermediate grades. At the age of 17, he entered Pullowhee High School (now Western Carolina Teachers' College). After his first year there, he "batched," for much of the time, in a log cabin and subsisted on a pitifully meager diet. He was unable to attend regularly, but persevered till he graduated in 1896. In school he was very popular and frequently entertained his schoolmates with his banjo or violin or comic songs. He took keenest interest in debate, in moot courts which he organized, and in History, English, and Literature.

Now follow, if you will, this out-

line of his successive promotions and advancements:

(1) In 1898, elected Clerk of the Superior Court of Jackson County, and, while serving the four-year term, studied law without an instructor;

(2) In February, 1903, obtained N.C. license to practice law and immediately opened an office in Webster;

(3) In 1904, elected to the State Legislature, and, at its session (1905), obtained continued and additional appropriations for the Normal Department of Cullowhee High School;

(4) In 1910, elected Solicitor of the 20th Judicial District, serving with marked ability and efficiency a four-year term and declining to seek re-nomination;

(5) In 1912, at the State Democratic Convention in Raleigh, delivered an eloquent and memorable speech placing Locke Craig in nomination for Governor before an audience of 5,000;

(6) In 1913, moved to Waynesville (his practice now extending into seven



counties) and thereafter successively obtained licenses to practice from the U.S. Supreme Court, the U.S. Circuit Court of Appeals (4th Circuit) and from the Supreme Courts of Virginia, Tennessee, Georgia, and South Carolina, subsequently participating in important trials in seven States outside of North Carolina;

(7) In 1916, was presidential elector for Woodrow Wilson and, in 1920, for James M. Cox, and made speeches throughout the Congressional District in each campaign;

(8) In 1926, was unsuccessful candidate for Congress against Hon. Zebulon Weaver; but, after defeat, made, at his own expense, eighteen speeches in behalf of the nominee;

(9) In 1932, was a delegate to the National Democratic Convention in Chicago, and in the following campaign delivered thirty-four speeches, covering the State from Robbinsville to Jacksonville so effectively that, from all places at which he spoke east of Waynesville, there poured in to State

Chairman Winborne letters praising the speeches and requesting the return of Alley to the several counties for further addresses, copies of all such letters being made by Mr. Winborne and, with characteristic kindness, sent to the mountain orator for his files;

(10) On Jan. 26, 1933, was appointed by Governor Ehringhaus to fill the vacancy resulting from the death of Superior Court Judge Walter E. Moore, and, in June, 1934, was nominated for the full eight-year term, carrying in the primary election each of the seven counties of the district and receiving a total majority of 7,581 (this handsome endorsement being followed by no opposition in the November election);

(11) Between retirement from the solicitorship and elevation to the bench Judge Alley had the largest practice in his Judicial District both in number and variety of cases, civil and criminal;

(12) In 1938, at an election held by the Alumni Association of Western

Carolina Teachers' College, Judge Alley was chosen as that institution's graduate who had rendered the most distinguished public service. His name will, therefore, be the first of such distinguished honorees to appear upon a permanent mural tablet conspicuously displayed in the college library.

To the astonishment of Judge Alley's friends, this man of amazing physical and intellectual resources has, in the midst of the urgent and excessive demands of his profession, found time to read and digest many volumes, make hundreds of political speeches, and deliver scores of commencement addresses. Furthermore, after years of research and preparation, this profound student of sacred writings has produced religious addresses that have thrilled and uplifted, with the impassioned eloquence of a prophet, more than fifty audiences in churches, court houses, and colleges, to the edification of both ministers and laymen.



My pleasing, but poorly performed, task lacks, for its completion, only some advance information regarding what this publication includes. The value and variety of its contents will make a wide appeal to people of varying tastes and interests. Not all parts will equally intrigue any individual, but one or more chapters will be sure to justify repeated perusal by those who will examine the choice and diverse offerings herein assembled.

The following chapters, covering a wide range, exhibit but a limited expression of a lofty soul; for no human being, in life's brief span, can accomplish complete self-expression. The God-like spirit struggles to reveal itself, but ever falls short of full revelation. The inspired and aspiring worker is always greater than his achievements; back of every high and noble endeavor is a personality of

still higher and nobler powers and aspirations.

Those interested in oratory will find within these pages a number of Judge Alley's best prepared addresses.

Lawyers and judges can read here, with enjoyment and profit, excerpts from speeches delivered in important law-suits, containing illustrations—historical, Biblical, and practical; also a collection of Judge Alley's maxims for lawyers, gathered from his experience and supplemented by numerous carefully prepared statements expressing his conception of the duties of a judge.

The amateur and the connoisseur in word-painting and in euphonious phraseology will be fascinated by the masterly descriptions of mountain scenery, such as those of Whiteside Mountain and Wayah Bald.

The lover of legend and lore

will delight in the section devoted to Cherokee Indians, their land-laws, their myths, and their folk-stories.

Every mountaineer and those who would know the truth about our "Tar-heel" mountaineers should not fail to read the closing chapters, which reliably set forth the origin, history, characteristics, development, and progress of the Carolina highlanders, and make definite and dignified refutation of the aspersions and misrepresentations of certain authors who have essayed thus to convey to the outside world what manner of human beings our native mountaineers are.

These prefatory paragraphs have endeavored to present the man and to direct your attention to his chief achievements. Would that we had many more citizens like Judge Alley! In my candid opinion, he belongs in the class of men so eloquently characterized by Dr. J. G. Holland in the following graphic lines:—

God give us men. A time like this demands  
Strong minds, great hearts, true faith, and ready hands:  
Men whom the lust of office does not kill;  
Men whom the spoils of office can not buy;  
Men who possess opinions and a will;  
Men who have honor — men who will not lie;  
Men who can stand before a demagogue  
And scorn his treacherous flatteries without winking;  
Tall men, sun-crowned, who live above the fog  
In public duty, and in private thinking.

*Robt. L. Madison.*





## CHAPTER I.

### JUST A WORD BEFORE WE START.

*I will lift up mine eyes unto the hills  
from whence cometh my help. PSALMS, 121: 1.*

From friends cognizant of my plans to publish this volume, there have come to me a large number of written and oral suggestions to the effect that I include in it at least a brief autobiographical sketch, the idea being that it might be worth something to aspiring young men who have their own way to make in the battle of life. I have been very reluctant to comply with these requests, because there is so little I can say about my personal history that may be considered worth while; but those who have requested it have been so uniformly kind, and have given me so much encouragement in my efforts to get the volume prepared for publication, that I have decided to defer to their wishes, and to record the few simple facts involved. Another reason that has urged me to this decision is that it furnishes me the opportunity to make public acknowledgment of my deep appreciation for the steadfast and unfaltering friendship of the thousands who have made it possible for me to achieve whatever of success has come to me in my long life of struggle. If my life and service have been of value to my people and my country, these friends deserve more of the credit than I would be willing to claim for myself, for without them I should have been helpless.

I was born on the fifth day of July, 1873, at the base of Whiteside Mountain, in the southern part of Jackson County, eight miles to the north of the South Carolina and Georgia State lines. I was the youngest child in a family of ten. My father, Col. John H. Alley, was born and reared in Rutherford County, on a farm which included a considerable portion of the present town of Rutherfordton. His father was also named John H. Alley. He came with his father's family from Liverpool, England, when he was but two years of age. They settled in Petersburg, Virginia, and my grand-father, upon reaching his majority, came to Ruther-

ford County, where he made his home for the remainder of his life. He married Susan Hampton of Rutherford County, the daughter of Jonathan Hampton, who was the son of Colonel Andrew Hampton. Both father and son were of Revolutionary fame, Andrew Hampton, with Major McDowell and John Sevier, having led one division of the mountain men up one side of King's Mountain in the noted battle of that name. (See Draper's *King's Mountain and Its Heroes*, Griffin's *History of Old Tryon and Rutherford Counties*, and "The Battle of King's Mountain", etc., in "Historical Statements" published by the U. S. Government.)

Colonel Andrew Hampton was also one of the original signers of the Tryon Declaration of Independence, of August 14, 1775. (See Puett's *History of Gaston County*, page 104. Griffin's *History of Old Tryon and Rutherford Counties*, pages 17-18.)

My mother's maiden name was Sarah W. Norton, and she was the first white child born in Whiteside Cove, her father, Barak Norton, having been the first pioneer to settle in that section. He came to South Carolina with his father's family from England when he was fourteen years of age. He married Mary Nicholson, who was the daughter of Irish parents, although she was born in South Carolina. This grand-father gave Whiteside Mountain its name, the Indian name of the Mountain being U-na-ka-ka-noos, meaning "White Mountain".

As a young man my father was Colonel of the Rutherford County militia, and as such he, with his militia-men, was ordered out, under General Scott to assist in the removal of the Cherokee Indians to the Indian Territory. For the most part this was a wagon-and-horseback proposition, and it required about two years for my father to make the round trip.

On his return, stopping at my grand-father's home for the night, my father and my mother met for the first time, and soon thereafter were married. My father then commenced to accumulate mountain land, and continued until he owned a contiguous boundary in Whiteside Cove of about seventeen hundred acres.

In the meantime he was a volunteer in our War with Mexico, and after the Battle of Chapultepec he was made a Colonel in the United States Army. He had but one brother, Thomas J. Alley, of that part of Rutherford which later became Polk County. They were both opposed to Secession, and both voted against it; but

when North Carolina seceded these brother came to the sad "parting of the ways". My uncle, honestly believing that a State did not have the right to secede from the Union, at once enlisted in the Union Army and fought therein until the close of the War. My father, on the other hand, believed with equal honesty, that a State had the right to stay in the Union or get out, if it so desired. He maintained that the North had no right to dictate to a Southern State how it should manage its own internal affairs and institutions, and certainly that neither the Government itself, nor any State, had the right under the Constitution, to interfere with the institution of slavery in a State where slavery existed.

Such was the construction which Abraham Lincoln himself placed upon the Constitution; for in a speech in Chicago, on July 10, 1858, he said: "I have said a hundred times, and I have no inclination to take it back, that I believe there is no right, and ought to be no inclination in the people of the Free States to enter into the Slave States, and interfere with the slavery question at all . . . . While we agree that, by the Constitution we assented to, in the States where it exists, we have no right to interfere with it, because it is in the Constitution; and we are bound by both duty and inclination to stick by the Constitution, in all its letter and spirit, from beginning to end." (See Wannamaker, "The Voice of Lincoln", page 192.) So, immediately after North Carolina voted for Secession my father enlisted in the Confederate Army. After one year of service, on account of a lameness received in the Mexican War, which rendered him unfit for active service as a soldier, Zeb Vance commissioned him Colonel of the Home Guard in Jackson County, and for the remainder of the War it was his duty, among other things, to arrest deserters from both Armies and carry them to prison at Fort Sumter—a service that was even more dangerous than duty in the Army itself, and a service that subjected him to the bitter hatred of the bushwhackers and outlaws who infested the country for some time after the War. Three of my mother's brothers, Confederate soldiers all, were killed in battle, two of them came home after the conflict was ended, but the youngest of her brothers was brutally murdered by Kirk's gang of outlaws, at his own home and in the presence of his wife and children. They attempted to murder my father the same night, and would have succeeded, but for the intervention in his behalf of one of the robber gang whose life my father had saved from the hands of



a mob in time of the war. After rescuing him from the mob my father arrested him and carried him to Fort Sumter. This robber was killed by the Home Guard the day following the attempt on my father's life, and he recovered the robber's body from among eighteen others and gave him a decent burial. (See Allen's History of Haywood County, page 348.)

Most of the men in the territory of what is now known as the "Carolina Mountains" fought under the Confederate Flag, although the "Appalachian Mountains" as a whole furnished two hundred thousand men to the Union Army. Following the Surrender, and the return of the soldiers, bitterness and disappointment were rampant among the Mountaineers. The feeling was intense everywhere, and the defeat of the Confederacy was the sole topic of discussion on the lips of all. At this time my father received word that his brother, the Union soldier, on his way home, was coming by to visit him. He instructed his family and his friends to make no mention of the War in his brother's presence. He came by and spent three weeks, and the war, and its issues, and its outcome were never mentioned. If they had been mentioned, these men of settled convictions would probably never have been brothers again; but each was willing to concede that the other fought for the principles he believed to be right. Until the day of his death my father never mentioned to any of his sons that his brother had been a Union soldier. We obtained this information from our mother and older sisters, and from Judge Justice of Rutherford County. But permit me to add this: that this uncle, different from most Southerners who served in the Union Army, lived and died a Democrat, and for thirty-six years cast the only Democratic vote that was cast in Pea Ridge Township in Polk County! Although he was advised in his later years that he was entitled to a Federal pension, he refused to apply for it, and one of my brothers, who has now passed away, and I, contributed to his support during his last years on earth.

I have thus spoken freely of my people, because so much more can be justly said of them than can be said of me. And though I never had a fight in my life, I have wished it to appear that my people on both sides of the house have been soldiers on every occasion when their country and their country's cause needed defense. Several of my nephews saw active service throughout our participation in the World War, and my oldest son was in training when

the Armistice was signed. And may I say just one more word in this connection? I have always believed that my mother and my five sisters were the most perfect Christians that I have ever known. They had a code and rules of conduct that they lived by every day of their lives, and when their final summons came they were not afraid to die by them. I can say the same of my father. It was said of my mother by the family and her neighbors, many of whom are still living, that she was never known to speak a word of harm of any person. It was her motto and she so advised her children: "If you cannot find something good to say about a person, do not say anything at all." The Christian lives of parents and sisters such as these were an inspiration to me, and from them I learned to respect and reverence every person's religion, whether I agreed with him in all its phases or not. And so, if I were in the wilds of Africa and should see a savage worshipping a snake; or in the forests of India, I should see a Hindu worshipping a Sacred Cow; or if in Peru, I should see a descendant of the Incas worshipping the sun or the Sacred Fire, were it the best they knew I would stand before them with uncovered head, for I know that inherently mankind must worship something.

For the first sixteen years of my life I was practically a "house-ridden" invalid. I was born with asthma in its most severe form. The first sixteen years, my life was for the most part a struggle for breath. A hundred nights I have leaned out of an upstairs window in the old home, all night long, in order that I might breathe the pine-scented air blowing gently down from the nearby mountains. I had another affliction. From my earliest recollections, for more than half of my life, until recent years, I suffered periodically indescribable pain from sick headaches. This last named affliction has been my greatest drawback in life; for during the attacks, and many days following, I was unfit for physical or mental effort. I recovered from asthma as the result of an attack of whooping cough which lasted less than a week, a vindication of the homeopathic theory that as one poison will counteract the effect of another poison, so one disease will cure another. I cured sick headache by requiring myself to eat a widely varied diet, and by practicing regular habits of eating and sleeping.

During these days of my so-called invalidism, I was the general "chore" boy for the family. I would go to mill, drive up the cows to be milked, and perform other services around the farm which

did not require such violent physical exertion as would invariably bring on an attack of asthma. This period of my life was during the days when matches were scarce and costly. We usually bought one box a year. They came in round wooden boxes, containing one hundred matches, at the price of fifty cents per box. So if we ran out of matches and happened to let the fire go out, it was usually one of my duties to go to a neighbor's house to "borrow a chunk of fire". Looking back over the years, it seems to me now that I must have walked a hundred miles, all told, on missions like this. But all the neighbors were sooner or later guilty of negligence in allowing the fire to go out. We did not have any temples erected to the honor of Vesta in those days, nor Vestal Virgins to keep the fires perpetually burning.

During the period about which I am writing, the public school money allotted to our District was sufficient only to employ one teacher for a term of six weeks. Sometimes, but not always, this six weeks term was extended for a month or two by "subscriptions", or contributions of the patrons to be applied on the teacher's salary. When I reached the age of seventeen my father sent me for one full session to the old Cullowhee High School (now Western Carolina Teachers' College). The school was then starting into the second year of its life, it having been established the year before by Professor Robert L. Madison, a scholarly young man from Virginia. He is now the honored and much beloved President-Emeritus of Western Carolina Teachers' College, into which the old country High School which he established in 1889, has developed.

Entering the High School, in which unprepared students could begin at the bottom, I was admitted to the Intermediate Department in August, 1890. My father kept me there throughout the ten months session. He was one of those big-hearted men who could never say "No" to any one needing help, was always on notes and bonds for other people, and when I went home in May, 1891, to assist on the farm, the crash had already overtaken him, a calamity which usually overtakes those who pledge their property in this manner. All of his boundary of land was sold at auction, and was purchased by a fine old gentleman by the name of Henry Coons of New York, for whom my father had rendered a service some years before. As soon as the title had been transferred, this generous old gentleman sent down his agreement in writing, therein



permitting my father and mother to continue to live on and use as their home, this entire property for the remainder of their lives; and this they did.

When time came for school the following fall, my father told me that it was utterly impossible for him to send me that year, but that if I could make any arrangements of my own he would bid me God-speed, and help me any way that he could. Accordingly, in August I packed what few clothes and books I had, in my old canvas "telescope" (valise), and in a day walked from the old home all the way to Cullowhee, a distance of twenty-eight miles. Upon my arrival there, Professor Madison, at a sacrifice that I can see more plainly now than then, allowed me the opportunity to go through the entire session, with the payment of tuition deferred until I could earn it after the session had ended. By working evenings and mornings I reduced my board bill, so that for that item and tuition I owed only the sum of \$53.00 at the end of the school year; but I had only fifty cents in spending money during the entire session!

The following summer after assisting to make and to harvest the crop, I served a surveyor for a while, in the mountains of Macon County. From this work I saved \$12.50, and when Christmas came I went to Atlanta, Georgia, and worked for a contractor and builder for six months at a wage of one dollar per day; the work consisting of carrying brick and lumber. Here I saved a sufficient amount to fully discharge my school debts and to buy a few much-needed clothes.

In the meantime my two remaining unmarried brothers took unto themselves wives, and it became necessary for me to go home just at a time when I had arranged to attend a night school in Atlanta, indefinitely. My unmarried sister, a teacher in the Atlanta schools, who had splendid prospects for promotion as a teacher, gave up her profession and came home with me.

For three years I operated the old home farm, with a limited supply of stock and tools, but was able to make a comfortable living for all of us. In the meantime I became acquainted with Professor Greer of Erskine College at Abbeville, South Carolina, he having spent the summer in my father's home. He returned to Abbeville and made arrangements for me to get my books free of charge, and a boarding place in the home of an old couple where I could pay my board by looking after their cow, fires, and like



odd jobs, until I finished the four-year college course, with the assurance that during the vacations I could earn ample money for the item of clothing. So here, I was confronted with an alternative choice between a great opportunity and a great privilege—the opportunity to obtain a college education, and the privilege of caring for a grand old father and a saintly mother in their helpless old age. I chose the privilege and declined the opportunity.

This ended my hope for a college education; but all through my life from that time on, I have been able to appreciate the truth in the beautiful lines of Walter H. Malone on Opportunity:

“They do me wrong who say I come no more,  
When once I knock and fail to find you in!  
For every day I stand beside your door,  
And bid you work, and rise to fight and win.

Wail not for precious chances passed away,  
Weep not for golden ages on the wane!  
Each night I burn the records of the day—  
At sunrise every soul is born again.

Laugh like a boy at splendors that have fled,  
To vanished joys be blind and deaf and dumb;  
My judgments seal the dead past with its dead,  
But never bind a moment yet to come.

Though deep in mire wring not your hands and weep;  
I lend my arm to all who say “I can”;  
No shame-faced outcast ever sank so deep  
But he might rise and be again a man.

Dost thou behold thy lost youth all aghast?  
Dost reel from righteous retribution’s blow?  
Then turn from blotted archives of the past  
And find the future’s pages white as snow.

Art thou a mourner? Rouse thee from thy spell!  
Art thou a sinner? Sins may be forgiven!  
Each morning gives thee wings to flee from hell,  
Each night a Star to guide thy feet to Heaven.”

Now, in order to show that opportunity will not cease to knock at your door, even when he has knocked once and "failed to find you in"; and also to show how the seemingly unimportant events of life succeed one another; how the simple things, those events which, when standing alone are of but little, if any, significance, but which, when taken together as a connected whole make up the sum of life, it will be necessary to go back several years.

When I was eight or nine years of age one of my brothers made for me a banjo, using for his material a cheese hoop, a tanned ground-hog skin, and wood that he worked into shape with knife and drawing knife, for the banjo's neck. We made the strings of "J. & P. Coat's Spool Cotton", by twisting strands of thread into the properly varying sizes, and then waxing them with home made beeswax. When the banjo was finished I soon learned to play on it, not only hymns, but all the old mountain melodies that I had ever heard; and for years, being the only person in that area who could play the banjo, I made the music for the mountain dances in my own section and in the adjoining Counties, not only in this State, but, on occasion, in South Carolina and Georgia.

There came a time when quite a flood deluged our mountain valleys. There were no bridges spanning our streams. Co-incident with this disaster a man by the name of Childs, and his sister, both of New York City, were water-bound at my father's home for several days. One day this gentleman saw my banjo and asked what it was, and I told him, it being the only banjo I had ever seen up to that time. He asked me to play for him. I told him I had a broken string, but that I could soon make another one. I asked my mother for some thread from her sewing basket, and then from a spool of "J. & P. Coats" I made and waxed a string and played for the gentleman all the tunes I knew. When I had finished he asked to see the thread. He then said: "I own the majority of the stock in the Company that makes this thread. I knew that it was good for many things, but did not know before that it was good for making banjo strings. When I return to New York I shall send you the best set of banjo strings that I can find in the City." Upon his return he sent me, not only many sets of strings, but a very expensive banjo, the best one in fact that I have ever seen. It was after this that I commenced playing for the

mountain dances. At that time the "Trade-mark" for this thread, which was seen posted on the store fronts, trees, and other public places, had on it the picture of a barefooted boy standing on a brook-side, fishing with a line made of this thread. Printed on the sign were the words, "J. & P. Coats' Spool Cotton is strong." A few months after my receiving the banjo from Mr. Childs he wrote me that he had induced his Board of Directors to change the picture on their advertisement, and soon thereafter was seen posted on the store fronts and other public places the same advertisement as before, but with the picture of a barefooted boy playing a banjo with strings made of J. & P. Coats' Spool Cotton.

Now, in order to satisfy the hundreds who are continually writing me about it and asking for copies of it, I will here tell the story of my banjo ballad, "Kidder Cole." It was composed when I was sixteen years of age. It was my first, last and only attempt at poetry, and of course there is not a line of poetry in it. Except for the fact that Miss Cole did not "change her name to Alley", the ballad speaks for itself, and adheres rather closely to the facts as they occurred.

The ballad has been sung over the radio from various stations for many years. It is sung and played with banjo accompaniment wherever the mountain melodies are used. The ballad, and various stories as to its origin have often appeared in many of the daily newspapers and magazines, and the ballad itself has been included in several different editions of "Folk Songs". Let it be here understood, however, that all this has been without my knowledge or procurement. Like all songs that are handed around by word of mouth, many words, and sometimes whole lines of the ballad, have been changed. After writing the ballad, I composed (by ear) the music or melody to which the words are sung. When I have heard it over the radio I have observed no change in the tune or melody, although some of the words were slightly varied.

In its issue of October 10, 1936, The State Magazine, of Raleigh, North Carolina, carried the story and the correct version of my ballad, the story having been written by one of its reporters, John A. Parris, Jr., formerly of Jackson County, and now a War correspondent in Europe. Mr. Parris published his article and the ballad without my knowledge. I here quote the lines as they appear in the magazine:



"My name is Felix Eugene Alley,  
My best girl lives in Cashiers Valley;  
She's the joy of my soul  
And her name is Kidder Cole.

I don't know—it may have been chance,  
'Way last fall when I went to a dance,  
I planned to dance with Kidder the live-long night  
But I got my time beat by Charlie Wright.

So, if I ever have to have a fight,  
I hope it will be with Charlie Wright,  
For he was the ruin of my soul  
When he beat my time with Kidder Cole.

When the dance was over I went away  
To bide my time till another day,  
When I could cause trouble and pain and blight  
To sadden the soul of Charlie Wright.

I thought my race was almost run  
When Kidder went off to Anderson;  
She went to Anderson to go to school,  
And left me at home to act the fool.

But she came back the following spring,  
And Oh, how I made my banjo ring;  
It helped me to get my spirit right,  
To beat the time of Charlie Wright.

Kidder came home the first of June,  
And I sang my song and played my tune;  
I commenced trying with all my might  
To 'put one over' on Charlie Wright.

I did not feel the least bit shy,  
On the Fourth of the next July,  
When at the head of a big delegation  
I went to attend the big Celebration.



When the speaking was over we had a dance,  
And then and there I found my chance  
To make my peace with Kidder Cole,  
And beat Charlie Wright; confound his soul!

Charlie came in an hour or so,  
But when he saw me with Kidder he turned to go  
Back to his home with a saddened soul,  
For I'd beat his time with Kidder Cole.

I've always heard the old folks say  
That every dog will have his day;  
And now all of Charlie's joy has passed  
For I've succeeded in beating him at last.

Oh, my sweet little Kidder girl!  
You make my head to spin and whirl,  
I am yours and you are mine,  
As long as the sun and stars shall shine.

Oh, yes, my Kidder Cole is sweet,  
And it won't be long till we shall meet,  
At her home in Cashiers Valley  
Where she'll change her name to Alley.

I like her family as a whole,  
But I'm especially fond of George M. Cole;  
I believe I shall like to call him 'paw'  
When I get to be his son-in-law.

Some of her folks I don't like so well,  
But I may some time, for who can tell?  
And after all between me and you  
I'm not marrying the whole durned crew."

I will say here that Charlie Wright whose name appears in the foregoing lines is the same man who performed the heroic and miraculous feat of rescuing Baty from the brink of a two thousand foot precipice on Whiteside Mountain, a full account of which

appears in this Volume in Chapter XXVI, at pages 490, and following.

Soon after I declined the opportunity for the college course at Abbeville, I "swapped", or exchanged, my banjo for two books, a small volume of General History, and a book of speeches—political, legal, educational and religious. These speeches were not only eloquent, but were packed with learning on a wide range of subjects. I read and studied them during every spare hour, and the more I read them the more intense became my yearning for a more thorough education, and they became the greatest incentive and inspiration of my life. It had been the great desire of my mother and father, and in fact of the whole family, that I should be given the advantages of a college education. This was now out of the question; but it was determined that I must at least finish the High School Course at Cullowhee. So after arranging with a young colored man to stay at home to do the outside work for my sister, when the last of the crops had been harvested in the late fall I loaded an ox wagon with bedding, a few cooking utensils, and an abundance of home-grown provisions of every kind. I went to Cullowhee, rented a small one room cabin on a mountain-side more than a mile from the school, and became my own cook, laundryman, and house-keeper for a period of six months; and I not only kept up with my classes, but made up for the months I had missed by having to start so long after the session had begun. I went home before the end of the session in time to put in and cultivate a crop; and the next year I went back to school in the same way.

In the meantime my sister married and her husband was good enough to live at the old home place for a year or two; so this made it possible for me to remain in school to the end of the session, and to graduate with the class of 1896.

It was my father's earnest wish that at least one of his boys should become a lawyer. The idea did not appeal to any of my four older brothers. My father had studied law as a young man. He was for some time Tax Collector in Rutherford County. He spent his spare time studying law. There were no railroads, and about four times a year he had to make a horseback trip to Raleigh to carry the tax money to the State Treasury. On his return trips he would come by Judge Pearson's home, "Richmond Hill" on the Yadkin, go over what he had read for the preceding three months,

and have his reading assigned for the succeeding three months. He never did practice, but he was one of the Justices of the old Court of Common Pleas and Quarter Sessions of Jackson County from the time of the organization of the County in 1851, until the adoption of the Constitution of 1868. The ablest lawyers in the western part of the State practiced in that Court. Men like Michael Francis, the Davidsons, the Averys, and others. I have heard men of the former generation, like Judge George A. Jones, General Theodore Davidson, and others, say that they had never talked with any lawyer who had a greater grasp and knowledge of the fundamental principles of the law than my father had. So, it was determined that I should at least have my chance to study law.

I managed to borrow three hundred dollars on long time—a sum which I thought might be sufficient to pay for a one year course at the State University. I went there in the Fall of 1897, and pursued the course until I had passed my examinations on the first and second books of Blackstone. My mother became very sick at this time, and I came home and remained with her until she recovered. My money was exhausted, and I could not go in debt further, so all hope of further study in a law school was abandoned. My father advised me that the next best law school was the office of Clerk of the Superior Court; and in the spring of 1898 I entered the lists as a candidate for the nomination. At first I had four opponents, but one by one they withdrew, and I received the nomination by acclamation. The County was Republican at the time, but I managed to squeeze through by a majority of fifty-seven votes. In order that I might hold the office after I had won it, one of my brothers left his own farm and came to the old home to live for a year or so. He had to leave to take a position in another County, and another brother left his own farm and lived with our parents for the remainder of their lives. I can say with truth that all of us considered it a privilege, and not a burden, to do all we could for our parents in their helpless old age; and each one of us tried to do more than any of the others.

During my term of office I continued my legal studies at night without an instructor, and upon the expiration of my term I successfully passed the examination and received my license to practice law.

After standing my examination before the Supreme Court at Raleigh I had some very interesting experiences before reaching



home. At the time I stood my examination I had a wife and two children. I had a home at Webster, but I owed Five Hundred Dollars. So I had barely enough money for the trip to Raleigh, including the fee of \$23.50 for my license. My wife had cooked for me a box of provisions, which had saved the outlay of any considerable amount of money for my meals. On the return trip my train was delayed for several hours on account of a wreck in front of us; so when I reached Asheville I found that my train to Dillsboro had left several hours before. This made it necessary for me to spend the night in Asheville. I knew of a place near Pack Square, at least two miles from the railroad, where I could get lodging for fifty cents. I counted my money (I had a return ticket) and found that I had sixty cents left. This was enough to pay for my lodging, and for street car fare one way, with still a nickle left for a cup of coffee the following morning. I had carried with me to Raleigh all the law books required in the course of study. I am sure they would have weighed at least fifty pounds. I carried this load of books from the station to my lodging place two miles away, ate for my supper the remnants of the food my wife had prepared for me, paid fifty cents for my lodging, five cents for car fare to the station the next morning, and five cents for a cup of coffee. I rode to Dillsboro on my return ticket and then walked the four miles to Webster, carrying my fifty pounds of law books. When my license came a week later I rented a little office in the Courthouse at Webster. It was situated under the stairway which led up to the Court room. The room was about eight by ten feet in size with two windows.

Most of the books which I had used in preparation for the examination had been borrowed. After returning them I had five books of my own—Blackstone's Commentaries, Clark on Contracts, Clark on Corporations, Clark's Code of Civil Procedure, and Sims' North Carolina Forms. I procured an empty goods box that exactly fitted one of the windows, and when I had placed my law library of five books on this improvised shelf I found that they filled one third of the space; and it was my greatest ambition at that time to fill that shelf with law books. Thus equipped, I hung out my shingle, and announced to the world and to all who had law suits that if they would bring their cases to me they could get them tried.

My first practice was before Judge W. A. Hoke—May God



rest his noble soul! I appeared in thirteen misdemeanor cases, and with Judge Hoke's timely assistance I won eleven of them. From that time forth until the day I went on the Bench I had all the practice that I could attend to properly, which made it possible for me to own, at the time I went on the Bench, a law library of some two thousand volumes and a private library of more than a thousand volumes.

Among my first cases was one in which I defended our old family darky, "Uncle" Jordan Prater. He was working for my father-in-law when my wife was a baby, and when we married Jordan came to us and remained with us till he died some twenty years later. I was not at home when he died, but his devotion and fidelity to my wife and children had been such, that as I now recall, it consumed about all the money I was able to save for the next two or three years to defray the funeral expenses of that loyal servant. He was indicted for disturbing a meeting at the colored church; hence his need of my legal aid. The principal witness against him was "Uncle" Major Wells, a fine old-time darky who had gone clear through the Civil War by his master's side. "Uncle" Major was inclined to indulge in big words. When I took him on cross-examination I asked him: "'Uncle' Major, what did 'Uncle' Jordan do when he came into the church?" "Uncle" Major replied: "Well, suh, when I first 'vision Brudder Jordan he was perabulatin' down the aisle, gesticulatin' a knife in his hand wid a long open blade in it." I then asked: "Was 'Uncle' Jordan saying anything?" "Uncle" Major replied: "Yas-suh, he say, '*Widen, Niggers!*'" I next asked: "When 'Uncle' Jordan told them to 'widen' what did they do?" "Uncle" Major, with a very serious look on his face, said: "*Dey widen!*" After the witness had graphically described how some of them went out head first through the windows, with a majority of them crowding toward the door, I inquired: "What did the preacher say, if anything?" "Uncle" Major replied: "He say, 'damn a church dat ain't got but one do!'"

Many years later I had another experience with "Uncle" Major. His son came over to Haywood County to work at a sawmill. In a few days he got into a row with a colored man from West Virginia and killed him. "Uncle" Major came over and employed me to defend his boy. I did my best both in the trial and in my speech to the jury. In my speech I paid a high tribute to "Uncle" Major, which I could see that he greatly enjoyed. After the Judge had

charged the jury a lawyer-friend of mine was walking up the street, and as he passed a group of negroes they appeared to be in a heated discussion as to who was the ablest lawyer attending that term of Court. Opinion was widely divided, and heatedly contested. Finally "Uncle" Major arose in all his dignity and said: "Gemmuns, I'se got nothing to say dat could be *residered* harmful to any of de gemmuns you alls has been *recussing*. But I'se done been waiting on all de Judges and lawyers dat come to Leatherwood's Hotel at Webster for night on to fifty years; and I tells you now dat dis here Mr. Felix Alley sho' is de bes' *nigger* lawyer dat attends dese Co'ts!"

"Uncle" Major's confidence in me reminds me of the faith which Uncle Rastus had in his lawyer. Uncle Rastus was indicted for stealing chickens. He was defended by a young lawyer fresh from college, who made a most eloquent speech in behalf of his client. After he was acquitted Uncle Rastus went to his lawyer's office to thank him. His lawyer said: "Uncle Rastus, I got you out of your trouble and did not charge you a fee. Now I want you to tell me the truth. Did you steal those chickens?" Uncle Rastus scratched his head, walled his eyes, and replied: "Well, Boss, at de first start I wuz inclined to de 'pinion dat I did 'liminate dem chickens; but after listenin' to your speech my min' is full of reasonable doubts. I now doubts whedder I was any ways nigh dat chicken roos'!"

Two years after settling at Webster I was nominated by acclamation for the Legislature and was elected. In 1910 I was elected Solicitor of my District. I did not ask for a second term. In 1913 I moved to Waynesville where I have since resided. From the time I ran for Clerk of the Superior Court, up to and including the campaign of 1932, I actively engaged in every speaking campaign at my own expense, and I have tried to uphold the banner of my party in most of the Counties of the State, and in some other States as well.

At no time in my life have I ever learned or played games of any character. I have found more pleasure and profit in devoting every spare hour to reading and study; and in this way I have sought to make up for the lack of college training.

I engaged actively in the practice of law from the time I received my North Carolina license until January, 1933, when Governor Ehringhaus tendered me the appointment to the Superior Court Bench of my District, to fill a two year vacancy caused

by the death of Judge Walter E. Moore. I had not sought the appointment, and had not asked for an endorsement, although I was later told by Governor Ehringhaus himself that I had a splendid endorsement sent in voluntarily by many of my friends, by way of telegram, letter and petition. Two years later I was nominated for the full judicial term by an average majority of more than a thousand votes for each of the seven Counties composing my District. I had served in the Legislature with Governor Ehringhaus in 1905, so it was a great pleasure to me to support him actively when he became a candidate for Governor in 1932. I virtually closed my office for weeks, and in his behalf I visited about all the Counties west of the Blue Ridge. It was a labor of love on my part, and it never occurred to me that I would ever seek, or that I would ever receive, the appointment to the high office to which he elevated me. In fact the vacancy did not occur until six or seven months after he was nominated; and the appointment having been altogether voluntary on his part, it was the more deeply appreciated by me. I doubt if any State in our Union has ever had a grander galaxy of statesmen to fill the exalted office of Governor than North Carolina has had all the way from Charles B. Aycock to J. Melvin Broughton inclusive. In my sincere opinion none has filled that position with greater dignity, grace, and ability than J. C. B. Ehringhaus. If it shall be said that I am a biased witness, I plead guilty to "the soft impeachment". But with confident assurance I point to the record, knowing full well that my assertion cannot be successfully gainsaid. Let us see. Governor Gardner, himself a great Governor, had the misfortune to inherit the depression of 1929, with all its devastating consequences; and without any fault of his, our State had a deficit, toward the close of his administration, of some twelve to fourteen million dollars. Our creditors in New York were threatening to declare a default, and to my own knowledge Governor Ehringhaus made two or three trips to New York to plead for time, assuring these creditors that their securities would be paid. And they were paid, and the honor and the integrity of North Carolina were saved; and, from that time on, northern capital has eagerly sought investment in North Carolina securities at the lowest rate of interest ever known.

Governor Ehringhaus was called upon to make many decisions which required courage of the highest order. He solved every problem wisely and well. Our schools did not close for a day. Our



teachers were promptly paid. The State moved forward in every line of its activities, and Governor Ehringhaus turned the State over to his successor in the most prosperous condition that it had ever enjoyed in its entire history. I acknowledge my gratitude to him. He gave me the greatest opportunity for usefulness that I have ever had. I believe that no official in our State Government is clothed with graver responsibilities and greater power for the accomplishment of good than the Superior Court Judge. And I do know that all through the western half of the State there are scores of boys to whom I have given another chance who are today on the high road to successful and useful lives. I do know that I have seen heaven shining in many a mother's eyes when I have "tempered justice with mercy" in the judgments that I have pronounced upon her boy. And I also know that during my more than eight years of service on the Superior Court Bench I have never exhibited the slightest impatience toward any person who sought a hearing of his grievances in my Courts; and up to now I have never spoken an unkind, abrupt, or discourteous word to any lawyer, officer, party, witness, juror, or any one else in any Court over which I have presided. Among all civilized people courtesy is current coin always and everywhere. Savage tribes appreciate it, and even the dull, dumb beasts recognize it. I believe in the gospel of sunshine and the religion of kindness. They are the essence of the Golden Rule, the hand-maiden of love. It is just as easy to be kind as to be otherwise. It costs nothing, and it makes all of us feel so much better. Without it no association can be pleasant, no home can be happy, and no Court can properly function.

Among my acquaintances I recognize no enemies. If I have any they stand alone in that capacity, and our feelings cannot be mutual. From the time I first engaged in professional life, I have made it a rule, each night before permitting myself to go to sleep, to look back over the events of the day in order that I may recall whether any thing has occurred that I should forget and forgive. Such is my philosophy of life.

My wife has remained at home and toiled incessantly in the rearing of our children, so that I might go out into the world and seek such opportunities as were within my reach. She and my hosts of friends have made it possible for me to achieve whatever of success I have enjoyed. They have made it possible for me to give to my four children a better chance in life than I have had—the



advantage of a college education such as I yearned for but could not have. They have made it possible for me to give my three boys their legal education in the best law schools in the State; and I have been permitted to live to see them enter the noble profession of the law, which I love so much, with success within their reach, and waiting only for them to reach out and grasp it. And so, the dark clouds pass; but the blue sky abides forever.

Oh, yes; I owe a debt to my friends that can never be repaid.

"The monarch may forget the crown  
That on his head so late hath been;  
The bridegroom may forget the bride  
Was made his own but yester e'en;  
The mother may forget the babe  
That smiled so sweetly on her knee;  
But I cannot forget my friends,  
And all that they have done for me."

## CHAPTER II.

### AT THE DEMOCRATIC STATE CONVENTION OF 1912.

*And he was called the friend of God.* JAMES 2: 23.

On the 6th day of June, 1912, in response to his written request, I delivered in Raleigh, North Carolina, the only nominating speech for Hon. Locke Craig for Governor. The speech was published in the leading daily papers of the State. The following is the report of the speech as it appeared in the Asheville Citizen, June 7, 1912:

#### "MEMORABLE SCENE ENACTED AT RALEIGH'S AUDITORIUM WHEN FAVORITE SON IS PRESENTED

Ex-Governor Glenn introduced Francis D. Winston, the permanent Chairman, who discussed Democracy's prospects for success at the polls next November, and declared his purpose to rule the Convention in a fair and impartial manner. Ex-Governor Glenn moved the nomination for the Gubernatorial office at 3:50, and Hon. Felix E. Alley of Jackson County was introduced to nominate Honorable Locke Craig of Buncombe County.

Mr. Alley, who was received with cheers, said:

Mr. Chairman and Gentlemen of the Convention:

A few weeks ago a great throng of people assembled in this hall to drop a tear and pay the last tribute of respect to North Carolina's most distinguished statesman and best loved citizen. When the news flashed across the State that Governor Aycock was dead, the hearts of our whole people, without regard to party, or race, or condition, were robed in sorrow as they had been at no other time since the death of the great Vance.

After serving with distinguished ability in the councils of his country for more than half a century, our great Governor has descended to his last resting place in the City of the Dead, and his manly form is wrapped today in the cold embrace of the tomb. That magic voice which so often thrilled the hearts of his admiring listeners is hushed today in the stillness of the eternal silence. The

multitude shall no longer hang spell-bound on his impassioned words, and never again will our souls be uplifted at the sight of his inspired and noble face. Never again will our people be instructed by the outpourings of his profound intellect, matured as it was by his long experience, and enriched by copious streams from the fountains of knowledge. The products of his great and cultivated mind and the wonderful results of his well-spent life are all that remain to us of that kingly man. But the world rolls on, and nature loses none of its charms. The grass loses none of its freshness. The sun still shines with undiminished splendor and the flowers of spring still come to fill the air with fragrance. Nature, untouched by human woe, prescribes the immutable law of Providence that decay always follows growth, and that He who takes away never fails to give.

I have been commissioned by the Democratic Party of Western North Carolina to present this assembled host of Democratic representatives, as your candidate for Governor, a man who we confidently believe more nearly than any other, is capable and worthy of taking the place of our great ex-Governor, not only in the councils of his country, but in the love and esteem of his countrymen.

I know it is customary in a nominating speech that something be said in detail of the character, achievements, and attainments of the man to be named. But what can I tell you of the man whose name I shall presently mention that is not already known? Who is unacquainted with his great services to his party and his State? Where is the man who does not know that he has already done enough and done it well enough to win for him the everlasting gratitude of the people of North Carolina?

For twenty-five years and more, in all the political storms that have swept over this State he has stood upon the field of battle among the leaders of the Democratic hosts, presenting the gospel of Democracy with the zeal of an apostle, without reward, except that reward which comes from the consciousness of duty nobly discharged. But I do not present his claims to you upon the ground of party service. The Democratic Party does not owe him one single cent. True it is, that through all these years, like the spring that gushes out of the mountainside and pours forth unceasingly its life giving fluid, this patriotic, unselfish man has devoted the prime of his splendid manhood to the service of the Democratic Party. With him it has been a labor of love, for he is one of those who believe



that it is the duty of every citizen to devote to his country's service the talents that Almighty God has given him. But I do insist that the Democratic Party owes it to itself and to the people whose destinies have been committed to its keeping to make grateful and substantial recognition of its workers who have grown gray in its service. I do insist that if public office should ever be bestowed as a reward for public service, no man more than he deserves this reward. If 'public office is a public trust', then into no safer hands can be committed this the greatest trust in the gift of the people of North Carolina. If public office was created for the welfare of the whole people, then under his leadership we may confidently hope and expect to carry out all the great policies for which the Democratic Party stands. No man in North Carolina is better fitted for this great task. He believes sincerely in the principles of the Democratic Party, and he has always sought, and, as Governor of this State he will continue to promote, what he conceives to be the public good by placing its measures and its men in control of the Government under which he lives.

As an orator he has had no superior, and but few, if any, equals in the entire history of the State. With a self-possession never for a moment disturbed; with a mental concentration which no excitement can shake; with a will that never falters, and a courage that never fails; with a voice, rich, musical, and resonant, sounding forth like a bugle-call to action, or modulated into the soft seductive notes of the flute, wooing the affection,—with all these gifts and attainments has he won enduring fame!

But while he is a Democrat, loyal and enthusiastic, and is devoted to every principle for which his party stands, yet his respect for opposing opinions is so gentle, and his manner of meeting them in discussion is so free from bitterness, that prejudice melts away in his presence and leaves his hearers with unbiased minds to weigh his clear and forcible arguments. And it has been this disposition, dealing justly with opposing views, his zeal tempered with respect for his adversary, as well as his splendid ability and his superb eloquence, that have made him a guiding power, and, for all these years, the recognized leader of the Democratic Party in Western North Carolina. But behind the orator is the man, with a spotless character and a noble soul, firm in his adherence to principle, unswerving in his ideas of the right, and devoted in his observance of the rules which guide the good citizen in private life; and it is



traits like these shining out like stars, over the pathway of his life, that fill the hearts of his friends and followers with abundant pride and joy today.

Perhaps his greatest service to the State, in any single instance, was the magnificent fight he made in behalf of the Constitutional Amendment. It is well known that this measure was unpopular in the West. We knew nothing of the evils of negro domination. We had never been threatened with its dangers and its curses. But in that dark and doubtful hour, his voice was the first to rise above the storm, and in all the Counties of the West he sounded to our people the note of danger and alarm. He told us that the adoption of the Amendment would result in the temporary defeat of the Democratic Party in our Western Counties. But he told us that our brothers in the East were in distress; he told us that the white womanhood of Eastern Carolina was in peril; and with their ears attuned to the musical touch of his eloquence, the chivalry and manhood of the mountaineers were aroused, and the whole State heard their answer as it echoed through the hills. And as he foresaw and foretold, the flag of the Democratic Party in the Western Counties went down in defeat, but the banner of white supremacy and white man's government was planted where it will wave triumphantly for a thousand years.

And I stand in this magnificent presence, without the fear of successful contradiction from any quarter, and assert that this man did more for the success of that wise measure than any other man in North Carolina, living or dead. And I shall prove my assertion by testimony which no man will dare impeach, and which no man can dispute without sacrilege. Governor Aycock, in presenting him to the State Convention at Charlotte four years ago, and referring to the speech which he heard him make when opening the campaign at Laurinburg in 1898, used these words: "From that hour I never doubted for one moment the redemption of North Carolina, and her restoration to decent, orderly, and economic government. Until the great victory in November, 1898, this young man never ceased his labors. From Currituck to Cherokee he carried his message of courage and hope, nor did he stop his work with the election; for the people of his County, filled with his enthusiasm, awakened by his cry of alarm and shouting that the cause of New Hanover and Craven is the cause of Buncombe, sent him to the Legislature, where with wisdom, zeal and untiring energy he labored with his

fellow-workers until the Constitutional Amendment had been formulated and submitted to the people. When this was done, he was the first to take up the task of making clear to the people the provisions of that wise Act, and from one end of North Carolina to the other, but particularly in the mountains, where the evil of negro domination was not so well known, he labored unceasingly until 50,000 majority of the people of the State had forever settled the race issue and made good government possible for all time to come. He had won that election before I commenced my campaign". So, my friends, when the question shall be asked who is the man that did most for the success of the Constitutional Amendment, from the portals of high Heaven the answer will come ringing down to us in the language of our sainted ex-Governor, "Locke Craig is the man!"

Four years ago his friends sought for him the nomination for Governor of this State. We believed that by virtue of his distinguished and unrewarded service he deserved the recognition we sought. We believed that, in view of the past history of our section of the State, we had the right to ask this recognition at the hands of the Democratic Party. We believed then, and we believe now, and we shall always believe, that he was then, and that he still is, the peer of any man who ever held that high office. The convention came, and for days and nights the contest was waged; but at the last the banner of our great leader went down wet with our tears. Then when the memorable contest was ended, true to his noble magnanimity and true to the past history of his unselfish life, he came before that great convention and, in a speech whose beauty and eloquence and pathos melted a thousand strong men to sobs, placed the laurel wreath of honor upon the brow of his successful opponent.

But, my friends, with the feeling of pain and disappointment in the hearts of his friends, there was mingled a feeling of pride and of exceeding great joy. It is said that when the Hebrew children were cast into the furnace with its seven-fold heat, there appeared to the astonished gaze of the Babylonish King another form, of celestial aspect, walking with them in the midst of the flames and comforting them in their fiery afflictions. And when the smoke of the great convention cleared away, we beheld Locke Craig still standing erect, 'a sovereign among his peers', his garments unscorched, without even the smell of fire, still wearing on his brow

the ineffaceable impress of a clean, honest, and upright man, and on his breast the white rose of an unselfish, blameless, and noble life.

And scarcely were the tumultuous echoes of that convention hushed until the music of his eloquence was mingling with the music of the waters of the mountain streams; for within less than two weeks, in my own County of Jackson, he made the first speech delivered by any man in the campaign of 1908. And from there he went to all the Counties of the mountains and appealed to his friends not to allow their disappointment over his defeat to make them less eager for the triumph of Democratic principles. He told us that men will rise and fall like leaves before the wind when it whirls through the forest on its way to meet the roar of the climbing waves as they rise up from the sea; but he likewise told us that the principles of the Democratic Party are as eternal and unchanging as the granite in our everlasting hills, and it was for these principles that he spoke.

Throughout that great campaign this magnificent man, whose great heart has ever throbbed with a greater and intenser love for his party and his State than for his own personal interests, triumph, and promotion, this great Apostle of Democracy, whose lips the Almighty has touched with an eloquence irresistible in its power to stir the souls of North Carolinians as no other living man can stir them, went from the remotest section of the mountains to the shores of the sea, and always and everywhere he appealed to his friends to give their loyal support to the Democratic ticket, of which his successful opponent, Hon. W. W. Kitchin, was the head. And I am sure, my friends, that no one here or elsewhere, will dispute the statement that Governor Kitchin had no more loyal supporters in that campaign than the men who fought and were willing to bleed and die for Locke Craig in that great contest.

From that day to this, he has gone on and on, irradiating his pathway with the splendor of his genius until today everywhere within the borders of our commonwealth he is hailed as the uncrowned chieftain of the North Carolina Democracy.

I have often stood upon the majestic mountains of my County and from their lofty and dizzy heights beheld the indescribable glory of the sunrise. And, standing there, I have seen the dark storm clouds gather, and watched the lightning flash, and listened to the deafening roar of the musketry of the winds and the artillery of the skies. And then I have seen the clouds break way and dis-



appear, leaving the heavens ablaze with the varying hues of God's beautiful Rainbow of Promise, which throughout all the ages has caused the glad heart of humanity to beat with quick pulsations of hope.

Four years ago when we failed to secure for our great leader the nomination for Governor, the dark clouds of gloom, for a time, cast their shadows upon the hearts of tens of thousands of as loyal Democrats as ever lived. We were saddened but not disheartened; we were disappointed but not discouraged; but with love and devotion for him like unto that which inspired the "Old Guard of France" to follow the great Napoleon to victory or the grave, we resolved that we would never cease to stand by him, and fight for him, until we had achieved for him the richest rewards and the highest honors and the proudest distinctions that abide within the gift of the people of his native State. And we come here today, my friends, no longer in supplication; we come no longer in tears, except the unbidden tears of gratitude; we come rather to glory in the fulfillment of a long cherished hope, with the light of triumph on our faces and a song of victory in our hearts. We come devoutly thankful to Almighty God that the sun has risen again; that the clouds have been dispelled; that the Bow of Promise has reappeared, and that the Star of Hope beckons the land of the mountains—the Country of Vance, to return once more to its own. We come rejoicing in the knowledge that our gallant leader, by his unprecedented loyalty, by his sublime patriotism, by his distinguished and long-continued service to his party and his State, as well as by the force of his great genius and the splendor of his fame, has challenged the admiration and won the esteem and compelled the support of every Democrat in the State. Each and all have commissioned you to come here today to carry out their decree that Locke Craig shall be the next Governor of North Carolina.

War has its heroes, and when men fight under the banner of a righteous cause, glory's chaplets fitly mark their tombs. Poets may compete for fame, and when their lines convey messages of truth and right, they may justly claim the laurels that they win. Wealth may bring renown when justly won and nobly used, and hard earned gold may keep fame's beacon burning brightly when no breath of shame shall rise to blow it out. But far greater is the honor, and more lasting is the renown, of the man who, without reward or the promise of reward, has devoted the best years of his



life to the cause of good government; for the fruits of his service shall be reaped by all the people, the unlettered and the learned, the rich and the poor, alike. On the enduring granite of an unselfish devotion and patriotic service has Locke Craig founded the citadel of his fame, and I predict that, as Governor of this State, he will write his name in letters more enduring than brass or marble upon the hearts and in the memory of the people whom he has ever delighted to serve.

Such is the character, such is the history, and such are the attainments of the man whom the Democracy of the mountains presents to the Democracy of the State as its candidate for Governor in this good Democratic year of 1912.

And I rejoice that he is to be Governor now in the noontide of our State's fair promise. I rejoice that he is to be Governor of this State at a time when a thousand ships are plying her harbors and sounds, and when ten thousand trains are daily hastening across her borders freighted with the fruits of our peoples' toil and thrift; at a time when every rising sun shines upon the foundation of a new schoolhouse, and sheds its parting rays upon the last touch of paint on one that day completed; at a time when by the recognition and promulgation of the great Democratic doctrine of "Equal rights to all and special privileges to none", the door of Hope and of equal Opportunity stands open wide to all the people of the State.

He loves every inch of North Carolina's historic soil from where she pillows her lovely head upon the bosom of her own majestic mountains to where she bathes her shapely feet in the rolling surf of the sea. He loves her people; he loves their traditions and he loves their history, and, under his wise and masterly leadership, these people for whom he has wrought so faithfully and mightily in the past, will be led onward and upward into that grander and more glorious destiny that awaits them.

And now, in the name of every Democrat in the State; in the name of every man, woman, and child in Western North Carolina; in the name of that fair land that gave Zeb Vance to North Carolina and the world, I pledge you that when the impartial historian of the future shall come to write the history of this great commonwealth, high up on the scroll of fame and renown, beside the names of the immortal Vance, the peerless Aycock, and the revered Jarvis, the "noblest Roman of them all", he will write another name that will blaze with equal splendor; the name of the

peerless and idolized tribune of the mountain people—our own beloved Locke Craig!

Gentlemen of the Convention, the distinguished honor has been conferred upon me to present to you as your candidate for Governor, that able lawyer, that wise statesman, that matchless orator, that Christian gentleman, that knightly, magnificent man, Locke Craig of North Carolina.

Mr. Alley's speech, which was a splendid and superb effort, was frequently interrupted with enthusiastic cheering and applause.

On the speaker's first reference to Mr. Craig, the entire Buncombe delegation and the delegations from the other Western Counties, rose and cheered for several minutes. At the conclusion of Mr. Alley's speech, it was moved that Honorable Locke Craig be nominated by acclamation. The motion was carried with loud cheering, preceding a remarkable demonstration."

---

### A TRIBUTE TO THE MEMORY OF JUDGE JAMES L. WEBB

In the busy and rushing scenes of life, it is well, now and then, for us to forget the pressing cares and duties of the hour, and pause long enough to pay a tribute and drop a tear to the memory of those who have fallen asleep by the wayside.

I undertake to say that when on the first day of October, 1930, the announcement of Judge James L. Webb's death was flashed over the wires, the people of North Carolina, without regard to party or creed, with an unbroken and overwhelming voice, testified one to another that we had lost our best loved public man.

His continuous service on the Superior Court Bench for more than a quarter of a century had been rendered in every County of the State, and he was perhaps the best known man in North Carolina. I believe that few men knew him more intimately than I did, and I am quite certain that no man honored and loved him more.

It was my proud privilege, once as Solicitor, and three times as an Attorney in private practice, to ride with him the Twentieth Judicial District, embracing the seven Counties west of Buncombe. Commencing in 1911, and from time to time through the passing years, it was my good fortune to appear in his Courts in many important causes, a number of them involving the awful issues of

life and death. I have heard him try causes presenting every phase of legal controversy that comes up for solution in North Carolina Courts of Justice; I have seen every variety of interest pressed upon his judgment; I have heard the most intricate questions of law presented for the analysis of his great mind; I have seen a Bar, the equal I believe, of any in North Carolina, cross their swords in many a hard fought contest in his presence; and then I have seen the wise and learned Judge ascend to the seat of judgment, poise the scales with an even hand, and then, actuated by a single purpose to pursue the right under all circumstances, and blind to everything but the inward light of an enlightened conscience, measure out equal and exact justice between man and man.

I have often heard him say that he believed in the maxims of common sense, and he always brought them to bear in the discharge of his judicial duties. In the Courthouse he had no friends to reward, and no enemies to punish. He knew human nature and the heights to which it can aspire and the depths to which it can descend. His great heart throbbed in sympathy with the lowly and the unfortunate; he could always find an excuse for the erring, and he carried with him a mantle of charity for frailty. Who, having heard him sentence a youthful criminal, has not been thrilled and uplifted by the expression of compassion and pity on his kindly face? At such times I have seen him pause for minutes before pronouncing judgment, with a far-away look in his eyes, seeking support and guidance, no doubt, from the Source and Fountain of all Wisdom; and I have thought that he may have heard a Voice we could not hear whispering to him the words spoken from a Cross in far-off Jerusalem, more than nineteen centuries ago: "Father, forgive them, for they know not what they do." It must be so, for I have heard him then pronounce a judgment in which justice and mercy were blended; and then a wayward youth, whose crime may not have been so great, after all, stood erect and stepped forth from the Court room with confident eye, fully convinced that it is the higher object of the law to serve and not to destroy.

Our own Supreme Court has announced the principle, of universal application, that the opinion of the Appellate Courts as written in the books is not the law, but merely constitutes evidence of what the law is. The decision of the Superior Court Judge, who actually tries the case in the Courthouse, constitutes the law of the case, and when on appeal to the Supreme Court this decision is



affirmed, the opinion of the Supreme Court furnishes evidence that the Judge of the Superior Court decided the law correctly. I have heard it said that in all of his twenty-six years of continuous service on the Bench, Judge Webb was never over-ruled in a criminal case, while in civil appeals he had charged to his long record fewer reversals than any other Judge in the State, as lawyers everywhere who have familiarized themselves with the decisions of our Court of last resort, will testify.

Judge Webb is dead, but the influence of a life like his can never end. The tomb cannot enclose it. He will continue to live in the decisions of our Courts of Justice, and the results of his life will live on and on through the coming centuries to uplift, to enrich and to bless mankind. He lived with the sincere affection of a host of friends clustering about him, and he died honored, revered, and mourned by the whole people of a great commonwealth.

Marble and granite will mark his resting place; but firmer far than marble, and more lasting than granite or enduring brass, is the solid foundation of his fame; for as long as justice tempered with mercy shall be prized as a priceless boon, his memory will abide in the hearts of North Carolinians, and those who read the beautiful story of his life will feel new inspiration to battle for the cause of the eternal right.

Just and learned Judge, patriotic and upright citizen, devoted and consecrated Christian, faithful and constant friend, courteous and princely gentleman, Farewell! Sacred be your memory, and peaceful and restful your sleep!

---

## A TRIBUTE TO THE MEMORY OF A FRIEND

During the past two years I had the good fortune to be able to perform some acts of friendship for the late Caleb A. Ridley.

On numerous occasions, public and private, he acknowledged and expressed his appreciation of the little services I had rendered him, among which was the procurement of a number of lecture and preaching engagements in Haywood and surrounding Counties.

On one of these occasions he publicly dedicated to me the following poem entitled "A Friend", which he had written a short time before:



"A friend is not a fancy,  
An acquaintance for a day,  
One who gains your confidence,  
Then trifles it away.

"A friend is not forever  
Feigning love for you;  
But is ever seen performing  
Deeds to prove it true.

"A friend is one who loves you,  
And whether well or ill,  
Just forgets your failings  
And loves you better still.

"No matter about your meanness,  
Of that you may amend;  
And long as life shall last you  
I'll love you as my friend."

This little poem beautifully expresses the warm and constant friendship that existed between Caleb Ridley and me for more than a quarter of a century; and now that the silver cord that bound him to life has been loosed; now that the sun of his life has gone down, and while yet we linger in the twilight of recollection, and before the night of forgetfulness blurs the picture of memory, I desire to write, over my own signature, as a memorial of him, my humble and heart-felt testimony to his genius, his high ability, and the worth of the great work wrought by him.

No aspiring young man was ever beset with more difficulties, or hampered and hindered by greater handicaps and hardships in his struggle for education than was Caleb A. Ridley. But with a will that never faltered; with a courage that never failed, and with a faith that reckoned not with defeat, he struggled on and on, until he filled with distinguished ability and marvelous success the pulpits of some of the greatest churches in the South and West.

His eloquent voice has been heard by entranced and delighted throngs in almost every State in the Union. Millions have hung in breathless attention on his impassioned words, while at the magnetic touch of his eloquence it is said that more than twenty

thousand souls have been turned back to God. I have heard him when his eloquence was like the limpid rivulet sparkling down the mountain's side, winding its silver course between margins of moss, and gradually swelling into a bolder stream until at last it roared into the head-long cataract and spread its rainbow to the skies; and then I have seen it flow on like a slow-moving river, reflecting from its polished surface forest and cliff and crag. I have heard him when his eloquence was like the angry ocean, chafed by the raging fury of the tempest, hanging its billows with deafening clamor among the lowering clouds, or hurling them, in sublime defiance, at the storm that frowned above. I have heard him when his eloquence rose like the thunder-bearer of Jove when he mounts on strong and untiring wing to sport in fearless majesty over the troubled deep; at one instant plunged amid the foaming waves, and at the next reascending on high to play undaunted among the lightnings of heaven or soar toward the sun. I have seen him with tongue dripping with the honey of matchless phrase lash his listening audience to the pinions of his mind, leave the picture gallery of the earth and leap up into the dizzy spaces where worlds are born and unveil the power of Almighty God in the light of the twinkling stars. And then I have seen him come fresh from zones of comets and astral climes, and with a master's hand play upon every chord of the human heart and melt his hearers to tears with the pathos of his appeal. And then, still riding upon the easy wings of his daring art, I have seen him descend from his sojourn above the clouds and convulse his hearers with laughter and with mirth.

There were those who criticised and condemned him; but whether the occasions which evoked criticism and condemnation were the result of inherent weakness or the ravages of the dread disease—the cankering cancer that caused his death, I do not know.

I do know that there were those who criticised him unjustly and without possessing themselves of the facts—little souls who were not worthy to fasten the lachets of his shoes; but it is always so.

“The flaming, slanderous tongue of strife,  
With its well directed poisonous dart,  
Has embittered many a joyous life  
And broken many a virtuous heart.”

And let me ask, What assurance have those who criticised and

condemned him that they, too, would not have fallen, even as he fell, and perhaps sooner and with less resistance, if they had been tempted as he was tempted? He that hath fallen may have been as honest at heart as those who condemned, though they may walk proudly today in the sunlight of success and immaculate fame.

How many of us can be sure that our sisters, our daughters, or our wives would have been strong enough to resist the temptation, desolation and distress that sacrificed our abandoned sisters of shame? It may be that they have not fallen because they have not been sorely tempted. Victory does not always proclaim the hero and the Saint has no monopoly on virtue. It requires but little effort to sail with the wind and tide or to float on tranquil seas. The Captain, who loses his ship in the raging tempest may be a better and braver sailor than he who rides into the harbor when the winds are still and the waves are calm, with engines in perfect order and colors flying. It is temptation, tribulation and travail; it is poverty, penury and pain; it is difficulties, distress and disappointments that try men's souls and furnish evidence to the world of what material they are made.

The Savior seeth not as man seeth; and He taught us from the Cross that the abandoned outcast, the branded criminal, black as midnight in the eyes of the world, may still have somewhere in the corner of his soul a light that burns; some living spark that may yet be kindled into a blazing Star of Hope. Therefore, it is not the man who never fails, but the man who can come back who deserves the greatest honor; and the man who fails and comes back may be a greater hero than he that "taketh a city". And so it behooves us to think and speak kindly of our erring brother. God pities him; Christ died for him; Heaven's mercy attends him, and the Angel Hosts and Chorus will welcome him back with shouts and songs of Joy. Then—

"Pray don't find fault with the man who limps  
Or stumbles along the road,  
Unless you have worn the shoes he wears  
Or struggled beneath his load.

"There may be tacks in his shoes that hurt,  
Though hidden away from view,  
Or the burden he bears if placed on your back  
Might cause you to stumble, too.



"Don't sneer at the man who's down today,  
Unless you have felt the blow  
That caused his fall, or felt the shame  
That only the fallen know.

"You may be strong, but still the blows  
That were his, if dealt to you  
In the self-same way at the self-same time,  
Might cause you to stagger, too.

"Don't be too harsh to the man who sins  
Or pelt him with word or stone,  
Unless you are sure, yea, doubly sure,  
That you have no sins of your own.

"For you know, perhaps, if the Tempter's voice  
Should whisper as soft to you  
As it did to him when he went astray,  
'T would cause you to falter, too."

Surely, in view of the great amount of good Caleb A. Ridley wrought in his life-time, charity would have condoned and forgiven the weakness or fault or whatever it was that provoked criticism. Charity, we are told, is the paramount virtue. All else is as sounding brass and a tinkling cymbal. Charity never persecutes nor back-bites. It draws the curtain to hide a neighbor's fault; turns a deaf ear to the tongue of scandal and heals the wounds made by the poisoned arrows of hate. Charity is the Good Samaritan of the heart. It is that which thinketh no evil, and is kind; which hopeth all things, believeth all things, endureth all things. It is the Angel of Mercy which forgives seventy and seven times, and still is rich in the treasures of pardon. It visits the sick and those that are in prison, soothes the pillow of the dying, mingles its tears with those who mourn, buries the dead, and cares for the orphan. It delights to do offices of good to those who are cast down, to relieve the suffering of the oppressed and distressed and to proclaim the Gospel to the poor. It is as wide as the World of Suffering, deep as the Heart of Sorrow, extensive as the Wants of Creation, and boundless as the Kingdom of Need. Charity presupposes justice and justice is an attribute of God, whose charity is inexhaustible. Its



supreme example was given us from the Cross when the Savior prayed: "Father, forgive them, for they know not what they do."

Caleb Ridley idolized the people of his native mountains, and he was the greatest master of mountain folk-lore that I have known. He was the author of hundreds of poems—many of them masterpieces, and he wrote a number of books in eloquent and faultless phrase that rank with the best literature of the times. Whether in the pulpit or on the lecture platform he was pre-eminently the greatest orator this section has produced. But now the musical voice is still, the beaming eye is closed, and a long, useful life is terminated forever. No, not forever, for no one ever dies all forgotten, and no one ever perishes wholly from the face of the earth. The influences of a human life are eternal. The tomb cannot enclose them. They escape from its portals and continue to pervade the daily walks of men, like unseen spirits, guiding and controlling human thought and action. And so will the influence of this great mountaineer's life live on and on to uplift and bless mankind, and to serve as an inspiration to struggling and ambitious youth everywhere.

Faithful and constant friend, farewell! Child of genius, sleep on! Sacred be thy memory, and peaceful and sweet thy rest.

---

### A PEN PICTURE OF CHRIST

The following is part of a letter said to have been written by Publius Lentulus of Rome in a report to the Senate. It is said by the New York Press to be the only reliable pen picture of Christ as seen in actual life, and it is an exquisite piece of word painting. It is taken from a manuscript now in the possession of Lord Kelly and kept in his library. It was copied from an original letter of Publius Lentulus at Rome. It being the usual custom of Governors to advise the Senate and the people of such material things as happened in their respective Provinces, in the days of Tiberias Caesar, Publius Lentulus, Procurator of Judea wrote the following letter to the Senate:

"There appeared in these, our days, a Man of great virtue, named Jesus Christ, who is yet living amongst us, and of the Gentiles is accepted as a Prophet of Truth. He raises the dead and cures all manner of diseases. A man of stature somewhat tall and comely,

such as the beholder may both love and fear. His hair is the color of a chestnut, full ripe, plain to his ears, whence downward it is more orient and curling and waving about his shoulders. In the midst of his head is a seam, a partition in the hair, after the manner of the Nazarites. His forehead is plain and very delicate; his face without spot or wrinkle, beautiful with a lovely red. His nose and mouth so formed that nothing can be reprehended. His beard is color like his hair, not very long but forked. His look innocent and mature. His eyes fiery, clear, quick and luminous. In reproving the greedy, the selfish and the oppressor He is terrible, his eyes piercing as with a two-edged sword; but looks with tenderest pity on the weak, the erring and the sinful. Courteous and fair spoken. Pleasant in conversation, mixed with gravity. It cannot be remembered that any have seen him laugh, but many have seen him weep. In proportion of body most excellent,—a Man for his singular beauty surpassing the children of men.”

## CHAPTER III.

### THE AGE OF OPPORTUNITY.

*And let us not be weary in well doing: for in due season we shall reap if we faint not. As we have therefore opportunity, let us do good unto all men.*

GALATIANS 3: 9, 10.

The following speech was delivered first at Clayton, Georgia, May 24, 1927, and thereafter in substantially the same form in numerous schools and colleges in North Carolina.

Ladies and Gentlemen:

I am infinitely grateful for this, my first opportunity to speak in the great State of Georgia. I could not be other than oppressed by a feeling of trepidation when I remember that this was the State of Robert Toombs, the intellectual giant of the Old South; the home of Alexander Stevens, the idol of his country; and old Ben Hill, said to have been the incarnation of mind and magnetism; and Howell Cobb, one of the truly great men of the nation; and Gordon, the Thunderbolt of War and the Apostle of Peace; and Grady, whose genius blazed but for a little while like a brilliant star and then disappeared forever; Grady, of whom it has been said: "As an editor he had no equal; as an orator he stands as the Demosthenes of the South; while as a man, the high marble that towers above his grave is but a fit emblem of his purity."

I am glad that my first opportunity to speak in your State occurred in this County, which was the birth place of the great Chief Justice Bleckley, than whom a more brilliant or learned Judge has never adorned the Appellate Bench of any court in this great land. I am grateful also that my first speech in Georgia is to be delivered here, where my father and mother, now dead for a quarter of a century, more than eighty years ago spent the first year of their married lives. Here, too, my sister lived, and here most of her children were born; and here, too, a brother, who has also passed away, spent some years of his life.

I am glad, too, to make my first speech here, because it was in



this town that I was admitted to the Georgia Bar, and became at least an honorary member of the Fraternity of Georgia Colonels.

For several days before I received your invitation to speak on this delightful occasion I had been spending my idle hours reading a very interesting book on the mythology of the ancient Greeks; and I had read the story about a traveler who went into a studio in Athens, and while he was examining some very old statues representing the ancient Greek Gods, he found one whose face was covered with hair and he asked the guide what God this statue represented. "The God of Opportunity," the guide replied. "Why is his face hidden?" the traveler inquired; and the guide answered: "Because people seldom recognize him when he comes to them." "Why has he wings on his feet?" the traveler desired to know. And to this question the guide made answer, "To indicate that he will soon pass on and that when once gone he cannot be overtaken."

The lesson taught by this story from Grecian Mythology suggested a name for my speech tonight,—*"The Age of Opportunity."*

"To take time by the forelock" was the first allegory known to Greek Art as if it had been the dawning idea of a new civilization. The God of Opportunity was represented by a boy in the flower of youth. Handsome in his bearing his hair fluttered at the caprice of the winds, leaving his locks tangled and disarranged. Similar to Dionysus his forehead shone with grace, and his cheeks glowed with youthful splendor and beauty. With wings on his feet to indicate swiftness he stood upon a sphere, resting upon the tips of his toes as if ready for flight. His hair fell in thick curls from his brow, easy to lay hold of; but upon the back of his head he had no hair, indicating that when he had passed he could never be seized or laid hold of any more forever.

That opportunity is more multiform and varied today than ever before all will agree; that we are living in the most wonderful age of the world all will admit; that we are living under graver and mightier responsibilities than any people who have lived before us none will deny. The wealth of the ages is our heritage; the wealth for which countless generations have dreamed and struggled and fought and suffered and died; the wealth of liberty and law that makes everyone secure and safe in his life, property, and the pursuit of happiness; the wealth of the library to enlighten us and the Christian Religion to guide us; and the wealth of opportunity that makes it possible for us to appreciate and utilize the thought, the

experience, and the achievements of all who have lived before us. The learning and the wisdom, the philosophy and the experience of every age and every clime are ours. Every library is a treasure-house of knowledge and every book is filled with truths that we may learn. We open them and as we turn the leaves the shadows of vanished centuries pass before us. Through them we observe hanging up in the dome of the mighty past, the great lamp of human experience in whose reflected light we may see how to avoid the pitfalls that have made so difficult the slow progress of our race in its upward march.

Invention's wand has touched the seas. Genius has filled the earth with countless gifts to bless mankind. Freed from ancient thought and superstition, we are beginning to win unheard of victories in the domain of science. One by one we have dispelled the mists and doubts of the ancient world. Nothing is too difficult for our hands to attempt—no region is too remote, no place too sacred for our daring eyes to penetrate. We have robbed the earth of her secrets and have sought to solve the mystery of the stars. We have secured and chained to our service the elemental forces of nature. We have made the winds our messengers and the fire our steeds. We have descended into the bowels of the earth and have walked in safety on the bottom of the sea. We have lifted our heads above the clouds and made the impalpable air our resting place and used it for a track over which our airships fly faster than the flight of the swiftest bird. We have invaded the skies and harnessed the lightning. The telegraph, wire and wireless, gives wings to the news and the events of each day are known in every land by the following night. The telephone will carry the human voice thousands of miles and the graphophone will preserve it for generations after we are dead. We have photographed both sound and motion in the modern "movie"; and, greater far than all, by means of the radio instant communication has been established between the nations of the earth.

In such an age and amid such achievements are there still opportunities for you? Ah, yes; the land was not all taken before your time, the earth has not ceased to yield its increase. The seats are not all taken; the people are not all educated; government is not yet perfect, the chances are not all gone. The resources of your country are not fully developed, the secrets of nature are not all mastered, and there is room and need for all of us in every depart-

ment of human life, in every field of human endeavor. The new is supplanting the old everywhere, and, as the years roll on, new conditions and new problems arise for solution. The methods of the past are daily giving place to newer and better modes. Those who have devoted their lives to the cause of human progress are daily falling by the wayside; and, as the struggle goes on, men and women with trained minds and strong arms and noble souls are needed to take the vacant places in the battle of life.

We are told that in the Government of God there is no waste of energy, that nothing is left to chance. Every leaf and flower and tree, every river and vale and mountain,—everything in the visible creation bears the impress of a Divine purpose, and this law applies no less to men and women than to material things. And to all who are blessed with the gift of life there is also given ability and capacity for the accomplishment of the work we are destined to do. There is not a human being on the earth, except it be those on whose heads the hand of affliction rests, who is not blessed with some special gift of mind for the achievement of success in some special field of endeavor. So the first and most important step to take in the road that leads to a successful life is to find the work for which nature has designed you, and then concentrate your body, your mind, and your soul to attain the foremost place in your chosen work.

It has been well said that if God were to commission two angels, one to sweep a street crossing and the other to rule an empire, they could not be induced to exchange their callings; and no less true is it that he who feels that God has given him a particular work to do, can be happy and successful only in the fulfillment of that particular work. If he does not fill that place in life, he will fill no place to the satisfaction of himself or his friends.

You will remember that in the fable related in the Book of Judges, the fig tree among others, was invited to become King over the forest. After the olive tree, on account of its fatness, which was pleasing to both God and man, had declined to reign over the other trees, the fig tree replied: "Why should I forsake my sweetness and good fruit and go and rule over the other trees?" As King over the stalwart oak and the lofty pine, the fig tree would have been a miserable failure, and as much out of place as men and women who aspire to a work they cannot do; but, for bearing figs, the oak and the pine are vastly inferior to the fig tree. Bearing figs,



of all things, is the thing for the fig tree to do; it shines in its own proper sphere, but when you take from it its fig-bearing power it is fit for nothing else on the face of the earth.

Nature has endowed us with intellectual gifts as multiform as the stars, distributing them among the rich and the poor and the high and the low alike; and although, we differ from one another as the "stars differ one from another in glory", yet, the utmost accomplishment of the life-work of each is essential to the success of all, and the success of all is necessary if our race is to reach its highest destiny. But life is too short, and the fields of endeavor are too vast for any one to fit himself for all. Each one must choose a place and fit himself for that, if he would discharge its duties well; and each one in the place for which he is best trained may render service of the highest class and so merit and receive the greatest praise and the richest rewards. Thus constituted, will the mighty machine which makes our social life be made to move in perfect harmony and no part be esteemed better than the rest. And I believe that civilization will never mark its highest tide until all men and women have chosen his proper work. No man can be ideally successful until he has found his proper place. Like a locomotive, he is strong on the track, but weak and useless everywhere else. Like a boat on the river he finds obstructions on every side but one.

When I was a young boy I read the story of a convention attended by all the birds of the feathered creation, the object of the convention being to see which bird could fly the highest. The blackbird was there, and the bluebird and the redbird, and these, and all the other birds, had assembled to settle the question as to who should be King of the air. At last the signal was given and the flocks of birds, representing every species, began to circle toward the sun. The eagle, however, made a broader sweep than all the rest, and higher and higher and still higher he soared, until at last he rested on outstretched wings in midair, far above the clouds; and the heavens echoed with his shrill scream of triumph as he poised high above them all, when, to his amazement, he heard a chirp above him, and upon looking around he beheld an English sparrow nestling under the feathers on his back as it said to him: "I am higher than you are, Mr. Eagle; I am King of the air". But the great eagle reached around and with his beak pulled him off and twisted his neck and dropped him to the ground; and it is said that from that day to this an English sparrow has never been

known to roost higher than the limbs of a cherry tree! And so, my friends, I advise you, that if the Lord has made you an English sparrow, continue to roost in your own little cherry tree, and do not try to contest with the eagles; if He has made you a robin continue to sing among the apple blossoms; if He has made you a meadow lark roost low, and watch out for the hawks; if you are a humming bird stay in your own nest when the owls are prowling around. But remember that there is more music in a mocking bird's throat than in the throats of all the crows that ever blackened or devastated a corn field; just as there is more peace in the humblest cabin where roses bloom around the door, and happiness and contentment reside within, than in all the gilded palaces of the earth where happiness and contentment are not. The sweetest song birds do not sing above the clouds nor build their nests among the highest crags; and I would rather be a cooing dove and live in a meadow and mingle my mournful song with the music of a mountain stream than to be a great eagle and build my nest on the highest peak of the Smokies, and prey upon the helpless and the defenseless and the innocent. And so it makes no difference what your calling is. Every calling is an honorable calling if inspired by honorable purpose and prosecuted by honest performance. Noble manhood and noble womanhood will lift any legitimate calling into respectability and honor. The rock which reckons not with the thunderbolt and bows not to the ocean's waves may yet be swept from its base by the unconsidered brook.

The bootblack on the street who can make your shoes reflect the sun and shines them better than anyone else can shine them, is a leader in the world, and is entitled to as much credit as the man who made the shoes. If a barber possesses the greatest skill and can mow the stubble from the roughest chin with easy grace; if he knows to a hair just what to cut and what to leave to make his patron's head look the best; if he knows the lotion that will coax the struggling fuzz on the baldest scalp and persuade it to grow like roses in June; if he can draw his razor with an ease and skill matching the master of the violin who glides caressingly his dancing bow across the singing strings; if he can handle well his comb and clippers and knows the use of every barber's tool; if he can rub and shampoo and knead and wipe with such skill and gentleness that every frowsy, unwashed customer who passes through his hands may issue forth a perfumed pink of beauty and delight, he is a

leader in the world, but the chances are that he would be a failure at everything else.

If a farmer can reach the top in tilling the soil, and can know each baneful bug, malicious microbe, and devouring worm; if he has learned to recognize each pest that blights and mildews growing crops, and knows the means to nip them in the egg; if he knows all kinds of horses, cattle, hogs, sheep, and fowl that lay and breed with profit; if he knows the moon, and the season when to sow and reap, and how to fertilize and trim, and when to sell for greatest gain; if by his industry and his intelligent cultivation of the soil, he has persuaded one acre of land to produce two bushels of wheat or corn where before it produced but one, he has earned the right to leadership, and may by the example of his success, have done more for his country than the great lawyer who represents it in the Courts of some foreign Prince or Potentate.

The master builder who has the mental grasp to image in his mind a mighty temple and body forth his vision in a form where each part will fit as neatly as the human eye; if he has such skill to manage men that multitudes obey him with delight, and move like armies stirred by martial music when led by a great commander; if he has a ready use for the builder's art and all the skill which countless ages have sent down the tide of time, he deserves as much honor and is entitled to as much credit as the man who thunders forth his eloquence in the highest councils of his Nation's Capital.

So:

"If you can't be a pine on the top of the hill,  
Be a scrub in the valley, but be  
The best little scrub that stands by the rill;  
Be a bush if you can't be a tree.

If you can't be a bush, then be a blade of grass.  
Some highway the happier to make;  
If you can't be a whale, then just be a bass,  
But the livliest bass in the lake.

We can't all be Captains; we've got to have a crew,  
There's work for all of us here;  
There's big work to do, and there's lesser to do,  
But the work we must do is the near.



If you can't be a highway, then just be a trail,  
If you can't be the sun be a star;  
It is not by size that you win or you fail,  
Be the best of whatever you are."

We are drawn by an irresistible impulse to the occupation for which we were created, and no matter what difficulties surround it, no matter how unpromising its prospects, that occupation is the only occupation we can ever pursue with satisfaction, or profit, or success. A human life inspired by hope and lured and urged on by the ambition to succeed may be likened unto a mountain river. If I may, I shall use for example the Tuckaseegee River which flows clear across my native County of Jackson, and which has its source far back on top of the Blue Ridge Mountains in whose shadow I was born and reared. Its way is beset by many a bluff and gorge and hill until finally it reaches the Tuckaseegee Falls near Glenville. There we behold a battle raging between the pliant water and the stubborn rocks and there we see the result of ages of such conflict. The secret of the river's ultimate success is, first, that it never ceases its attack; and second, that it is continuously reinforced. Millions of drops of water are hurled against these cliffs each moment and rebound into the abyss, without apparently producing the slightest effect. But these are instantly replaced by others, and these again by more and more in an unending series, whereas the cliffs, when their disintegrated fragments are swept down the stream can never be renewed. Gaunt, mutilated, seamed with scars and furrowed with the wrinkles of the ages, these black rocks face the maddened flood in silence as if aware of their ultimate doom, however long deferred. Meanwhile, the river, confident of victory is exultant. "If not in ours, at all events in our successor's day", its breakers seem to shout defiantly, as they leap from ledge to ledge, and white with fury, fling themselves on the tusk-like crags that tear them into shreds but cannot check their course; and the river, triumphant, flows serenely on into the Tennessee. The Tennessee flows into the Ohio, the Ohio empties into the Mississippi, and the Mississippi, the Great Father of Waters, extending from the regions of perpetual snow to the land of unending summer rolls with majestic sweep out into the Gulf of Mexico. It is there caught up by the Gulf Stream which moves noiselessly as the moonbeam's shadow through the turbulent waves of the ocean carrying upon its

throbbing bosom health and warmth and life to half of the world. My friends, the river in its journey from its source to the sea is but carrying out the purpose for which nature designed it, and its ultimate triumph in this unending battle teaches us that we must always go forward and never backward; that we must always press on to greater heights, to grander glories, or see the glories already won turn to ashes on our brows. We may sometimes slip; shadows may obscure our paths; we may have days of mourning and nights of agony, for it is a universal, though mysterious law of life which none of us can understand, that man is powerless to produce anything permanently good or beautiful until he has first paid the penalty of suffering or death for the triumph of his dream. There never was a worth-while victory ever won that did not cost blood or suffering. There never was a truth discovered that was not the price of agony. Socrates in a Pagan age believed in the immortality of the soul; but for teaching it he was rewarded with a cup of poison hemlock. St. Paul preached it in the beginning of the Christian Era; but he was paid for it with the dungeon and death. Jesus of Nazareth demonstrated it with his life-work; but He was despised and hated and rejected of men, and finally died on the Cross that fallen man might inherit everlasting happiness and eternal life. All of life's beauty was born of suffering and sorrow and the very hope of immortality sprang from broken hearts. The history of the world is a history of bloody warfare, and the nations of the earth have mounted upward through the gloom in a mist of tears. Every great life work is an agony and behind every song there lurks a sign. The mother of Christ is spoken of as the Woman of Pain and the teaching of Christ is sometimes referred to as the Religion of Sorrow. The first breath and the last gasp are drawn in suffering and all the way from the cradle to the grave stretches the great Battle Field of Life.

And in this connection I wish to call your special attention to four great truths uttered by the Savior, and which if fully understood, appreciated and observed will inevitably bring not only spiritual, but material success to all who are willing to make them the guiding star of their lives.

We are told that certain of his disciples who desired to sit on either side of Him, one on His right and one on His left when He had established His Kingdom, asked Him what their positions would be, and Jesus replied: "Whosoever will be great among you

let him be your minister; and whosoever will be Chief among you let him be the servant of all". Now what does this mean? I believe it means that success requires service. I believe it means that success will be measured not so much by what we get out of the world as by what we put into the world. It means that our lives will be weighed not so much by what others may do for us as by what we shall do for others. It means that life's length is not to be measured by its hours or its days, but by that which we have done therein for our country and our kind.

The Ten Commandments, like a collection of diamonds which bear testimony of their own intrinsic worth, in themselves appeal to us as coming from a Divine or Superhuman Source; and no conscientious or reasonable man has yet been able to find a flaw in them. Absolutely flawless, negative in form but positive in meaning, they easily stand at the head of our moral system and likewise constitute the foundation of the legal codes of all the civilized nations of the earth; and no nation or people can long continue a happy existence in open violation of them. But upon these Commandments have been placed two widely differing interpretations. The Mosaic, or human, or negative interpretation is founded on absolute justice between man and man. It makes the bold assumption that every man belongs to himself and has the right to do as he pleases with himself so long as he accords the same right to others, and does nothing to interfere with their enjoyment of such rights. In other words, under this interpretation he must not do unto others what he would not have them do unto him. This interpretation is but a restatement of the Golden Rule of the Chinese religion as taught by Confucius.

But under the New Dispensation Jesus gives the truly Divine interpretation. He tells us that He came not to destroy the law but to fulfill it; and by precept and example He illustrated and made plain its true meaning and force according to the Divine Will. His interpretation is positive in its nature, and is founded on the broad principle that no man belongs to himself, or has the right to do as he pleases with himself; but that he holds his body, his mind, his soul and his property by Divine grant in trust for the benefit of all mankind. And so the religion of Christ is positive. He tells us that "Therefore, all things whatsoever ye would that men should do to you, do ye even so unto them; for this is the law and the prophets." According to His religion he who serves man best serves



God best, and he who serves God best serves man best. According to Him man was not made for himself alone, but all were made for each and each for all.

Again He said: "For whosoever will save his life shall lose it; but whosoever shall lose his life for my sake and the Gospel's, the same shall save it."

I believe that these words apply to every worthy calling and work in life; and I believe that we will make infinitely greater progress, in both material and spiritual pursuits when we shall get ourselves away from the idea that there is any real distinction or essential difference between *work*, and *religious work*, as these terms are popularly understood. I know that there are those who believe that man's daily activities in the prosecution of his business are at least selfish, if not wholly evil, and that only the time which he actually devotes to church work, strictly so-called, and his time actually spent in civic service are classed as "Church Work" or "consecrated work" in the real sense. But I believe that the placing of so narrow an interpretation on these words of Christ would have the effect to obscure if not to destroy the real meaning of his life. From the very hour that he asked his mother in the Temple where He was conversing with the Doctors and the Elders, "Wist ye not that I must be about my Father's business?" until the close of his earthly career, He made repeated reference to His "Father's Business". And so I believe that He came into the world not merely to "preach the gospel to the poor" and "visit the sick and those that were in prison"; not merely to open the eyes of the blind, unstop the ears of the deaf, and to heal the sick and raise the dead and cast out devils. All these things are essential parts of his "Father's Business"; but his "Father's Business" is as wide as the World of Suffering, deep as the Heart of Sorrow, extensive as the Wants of Creation, and boundless as the Kingdom of Need. And I believe that when God proclaimed the law of free agency among men He instituted on this earth the greatest experiment in all the tide of time; an experiment to which all His resources are committed. By this great experiment He is planning here to develop perfect men and women stronger than circumstance and victorious over chance; and no human talent can be wasted or perverted if this tremendous experiment is to succeed. Men and women must eat food, they must wear clothes, and live in houses, and have means of transportation from place to place. They must be educated

and have medical attention and all the essential things that go to constitute the civilization to which we aspire. Therefore, all legitimate business is part of His "Father's Business", and every worthy work is service and every worthy service is prayer in action. And whoever works faithfully and honestly in any worthy calling, is in partnership with God, and is his co-worker in this mighty enterprise which He has established here on earth, and which even He can never finish without the help of men and women with trained minds and willing hands and noble souls.

Again He said: "Whosoever shall compel thee to go a mile, go with him twain." Now what does this mean? It means that we must give full measure in all we do. It means that we must conscientiously do our level best in every worthy work. It means burning the midnight oil. It means that we must work when we are tired, or until we have correctly finished every worthy task our hands find to do. The lawyer may be called upon to write a deed, and in a slovenly, slipshod way he may write a document that may possibly pass the title to your home; but until he has written into that deed every apt word of conveyance so that there may be no possible doubt that the deed is correct,—until then he has not traveled that second, undemanded mile. In the preparation and trial of every cause the lawyer has not traveled the second undemanded mile until he has sat up while his client slept; until he has exhausted every law book and sifted and weighed every fact and made every preparation that the cause requires, so that the entire truth may be presented to the trial Court. The Doctor who fails to ascertain every symptom and apply every remedy and exercise all the skill known to his profession, will have charged against him the undemanded mile. And so, in every department of life, in every field of human endeavor, in every duty which rests upon us, we will stand condemned in the Court of Conscience and in the eyes of the world and in the eyes of God unless in every instance we have traveled that second, that last, that undemanded mile.

And finally He said: "Work while it is yet day, for the night cometh when no man can work."

Work is everywhere. It was instituted when the Morning Star first sang Creation's Hymn, and it has rolled on down the Stream of Time, ever increasing, always improving, as the human race has multiplied, and as the civilization of Nations has demanded, and the countless instruments of toil will never be laid aside until

dropped from the nerveless hands of the laborer; not until the Angel of Death shall stand with one foot upon the land and the other upon the sea and declare that time shall be no more. It is said that work and sweat are penalties of the fall of man, but heaven has draped these penalties with beauty and love. When the Almighty created man, it would have been an easy thing for Him to have given us our bread ready made. He might have left us in the Garden of Eden forever; but he had a grander and a nobler end in view when he created man than the mere satisfaction of his animal appetites and his animal passions. There was a Divinity within man which the luxuries of Eden could never develop, and so there was an inestimable blessing in that curse which drove man from the Garden and compelled him forever to earn his living in the sweat of his brow. Our Creator has so constituted us that we can be happy only when our hands and minds are busy; and the struggle for existence keeps all living things at constant work. We see it in the huge elephant in the pride of his strength as he roams the tropical jungle, and all through the animal kingdom down to the smallest insect. We see it in the Leviathan which makes the great deep boil like a pot and we see it in the animalculae that has brief existence in a drop of water. And so, likewise, are all inanimate things moved by this same law of force and action. The rainbow which attires the heavens with blended beauty; the zephyr which fans the fevered cheek; the lightning which purifies the atmosphere and adds beauty to the landscape,—all obey the same law which produces earthquakes and volcanoes and tempests. The whole earth, with her sister planets and attendant satellites, all whirl through space with the same velocity and the same regularity as when they were first dropped like balls of fire from the Creator's hands. The sun, with millions of other suns, the stars, which hold their festival around the midnight throne, mocking us with their unapproachable glories,—all move around a common centre which, for all we know, may be the throne of the Almighty himself. Without haste, without rest, all move on forever. And so I repeat that work is everywhere. God works, for the Bible says: "He rested on the seventh day from all His work that He had done," and Jesus worked, for He said, "My Father worketh hitherto, and I work;" and so work reaches from His great White Throne all the way down through His shining courts to the veriest atom of Creation. And so, my friends, it all comes to this, that we must garner wisdom before we are



required to use it, lest when the time for use arrives the time for harvest will be over; that whoever would be great must render great service; that whoever would reach the top must be willing to lose himself at the bottom; and that the richest rewards will come to those who travel the second, undemanded mile.

George Elliot tells us that "there is no short cut, no patent tram-road to wisdom. After all these years of invention, the soul's path lies through the thorny wilderness which must still be trodden in solitude with bleeding feet, with sobs for help, as it was trodden by them of old time." And I tell you that there are no elevators in the house of success. If you would get above the first floor you must climb the stairway step by step. In every pathway of life there are valleys to cross as well as mountains to climb. Do not stop in the valleys, for there the view is obstructed on every hand. Climb to the mountain's top for it is there only that you can envision the landscape that lies beyond.

In this battle of life there are several roads that you may take. You may drift with the tide, or float down with the current of the stream. You may follow the course of least resistance, or clamber around the mountain's side; but all this takes time, and in your aimless rambles and voyages there is great danger of losing the way. Few men and women soar into the empyrean on eagle's wings, and those who do, usually mount on borrowed plumes, and soon sink back into oblivion's murky seas. Those who win the fadeless laurels must climb and climb and climb, inch by inch across the boulders that beset the way, until with infinite toil they clear the somber clouds that hang heavy on the mountain's rugged sides, and with pallid faces, and tired limbs, and aching hearts, pass into the glory of the sun, where they are hailed by their fellows as men and women whose lives have been of real service and value to the world.

Then, my friends, let us improve the opportunities of today, for the opportunities of today will not return tomorrow. When I was a young man, struggling for an education, I read one simple sentence which has influenced my entire life; a sentence written by one of our great men who had learned to place the proper estimate upon the value of time. He said: "Time once passed is gone forever, and all the gold of all the earth will not buy one moment back again."

Edward Howard Griggs beautifully expresses the thought in these eloquent words: "The River of Time sweeps on with regular,

remorseless current. There are hours when we would give all we possess if we could but check the flow of its waters; there are other hours when we long to speed them more rapidly; but desire and effort are alike futile. Whether we work or sleep, are earnest or idle, rejoice or moan in agony, the River of Time flows on with the same resistless flood; and it is only while the water of the River of Time flows over the mill wheel of today's life that we can utilize it. Once it is passed, it is in the great unreturning sea of eternity. Other opportunities will come, other waters will flow; but that which has slipped by unused is lost utterly and will not return again."

James Freeman Clark says that, "It may make a difference to all eternity whether we do right or wrong today."

So let us improve the opportunities of today, for this day only is ours. We are dead to yesterday and we are not yet born for tomorrow. Let us keep in mind the lines of Madeline Bridges:

"Be glad for today through sun or rain,  
Look out with resolve and hope;  
For today can never come back again,  
In all life's lengthened scope.  
Though years may be many, of toil or play,  
You never again shall see today.

"Make much of today, it is time's best gift,  
The real, the here, the now;  
Our dreams and our longings idly drift,  
We know not where nor how,  
Or if ever they may fulfillment meet;  
But today is ours, let today be sweet.

"Then honor today! Give it all your best.  
Let your noblest thought and deed  
Win out to the world, for that soul is blest  
That blesses the world's sad need;  
So each day shall a jewel be,  
In the counted day of life's destiny."

And let me say to you, my friends, that we could not if we would escape the consequences of having lived. No one ever dies all for-

gotten and no one ever wholly perishes from the face of the earth. The influence of a human life, even in this world, is eternal; and this is so because each mind and heart reproduces some of its qualities and some of its achievements upon the minds and hearts of others from generation unto generation. And so the currents of influence for good or for evil, when once started flow on forever even here on earth. It is a mandate of God's Eternal Law that every wrong done by one man to another, whether it affect his person, his property, his reputation or his happiness, is an offense against justice, and justice is Divine. If you have wronged another you may mourn, and grieve, and regret, and then resolutely determine against a repetition of such conduct in the future; the person you have wronged may forgive you according to human language and human conduct; you may suffer the torturing pangs of remorse, and may to the uttermost extent of your power endeavor to make reparation for the wrong you have done, and that is well; but the act is done, and were Nature itself, with all of its force and all of its power to conspire in your behalf, it would be utterly powerless to undo your act. The consequences to the body, the heart, the mind, and the soul, of both our righteous and our wicked deeds, though imperceptible to man, are matters of everlasting record, written in the Annals of the Past, and there they must remain forever. You may repent, and repentance for a wrong committed will bear its own fruit,—the fruit of purifying the soul and amending the future; but repentance can not blot out the past. The commission of the wrong itself is an irrevocable act; but it does not incapacitate the soul to do right in the future. Its consequences can not be expunged, but its course need not be pursued, and the wrong need not be repeated. Wrong and evil perpetrated, call not for despair, but rather for efforts more energetic and determined than before, to the end that wrongs may not be multiplied. Repentance is still as valid as it ever was; but it is valid to make the future secure and not to obliterate the past. Why, even the criminal is by the laws of the Almighty irrevocably chained to the testimony of his crime; for every atom of his mortal frame, through whatever changes its particles may migrate, will still retain adhering to it through every combination, some movement derived from the very muscular effort by which the crime itself was perpetrated.

These truths are illustrated by another of God's Eternal Laws,



and that is, that no motion originated by natural causes or human agency can ever be destroyed. Even the pulsation of the air, once set in motion by the human voice cease not to exist with the sounds to which they give rise. The quickly accentuated sound soon becomes inaudible to the human ear; but the waves of the air thus raised travel throughout the surface of the earth and the ocean, and in less than twenty hours every atom of the atmosphere takes up the altered movement due to that infinitely small portion of primitive motion which has been conveyed to it through countless channels, and which must continue its path throughout its future existence. And so the air itself is one vast library, on whose pages is forever written all that man has ever said or even whispered; and the earth and the ocean, as well as the air, are eternal witnesses of the words we have spoken and the deeds we have done. There, in their immutable but unerring characters, the righteous deeds we have performed, the songs we have sung, and the prayers we have prayed, as well as the vows unredeemed, the promises unfulfilled, the thoughts wickedly uttered, and the words falsely spoken, stand forever recorded; thereby forever perpetuating the testimony of the life record of all the men and women who have ever lived upon the earth, just as the track of every ship that has ever disturbed the surface of the ocean remains forever registered in each succeeding wave.

But my friends, however hard we strive; however well we improve our time, all of us leave an unfinished work.

I can not hope to remove mountains or even to cut a trail across them. A few steps upward in the hard and flinty rock I cut and climb, and then I must stop and die. And yet I know that it is the struggle to attain that develops us; for when we have placed our hands upon that which looked so attractive to us from a distance, and which we have struggled so hard to reach, nature robs it of its charms and holds up to our view a still more attractive prize. The ideal is ideal only because it is unattainable. The ideal is like the rainbow; it is always in sight, but always beyond our reach. The unattained and the unattainable still beckon us on toward the summit of life's mountains into the regions where the souls of the great live and breathe; and Hope is always a promise of the possibility of its own fulfillment.

Saint Paul tells us that "Hope is an anchor of the soul, both sure and steadfast." It is the Child of Faith. It is a Rainbow, with

one end resting on the cradle and the other on the grave with which Faith has painted the overhanging sky; it is a golden flash of sunlight that gilds the rugged and thorny pathways of life; it is a never-ending song that sustains forever the fainting soul of man. Walking hand in hand with Faith it lifts us step by step up the mysterious ladder to heights from which we may see its Star forever blazing above the unrisen Tomorrow. And so, my friends, when I reach the point in the upward climb where I must stop; when I, exhausted with my worn out tools, must cease to struggle, another, abler and stronger than I have been, with sharper tools than I have had, and fresh to the task, may, where I cease, begin; and he may cut and climb and climb and cut only to be succeeded by another still, until at last some future climber shall complete the task and step out on the top to look upon the glorious vision of the world beyond.

So,—

"Here is a toast that I want to drink  
To a man I'll never know;  
To the man who is going to take my place,  
When it is time for me to go.

I've wondered what sort of chap he'll be,  
And I've longed to take his hand,  
Just to whisper, "I wish you well",  
In a way he would understand.

I'd like to give him the cheering word  
That I've longed at times to hear;  
I'd like to give him the warm hand-clasp  
When never a friend was near.

I've learned my lesson by sheer hard work,  
And I wish that I could pass it on,  
To the man who'll come to take my place,  
Some day, when I am gone.

Will he see all the sad mistakes I've made?  
Will he count all the battles lost?  
Will he ever guess the tears they caused,  
Or the heart-aches they have cost?

Will he see through the failures and fruitless toil,  
To the underlying plan,  
And catch a glimpse of the real intent  
And the heart of the vanquished man?

I dare to hope he may pause some day  
As he toils as I have wrought,  
And gain some strength for his weary task  
From the battles that I have fought.

But I've only the task itself to leave,  
With the cares for him to face,  
And never a cheering word may speak  
To the fellow who'll take my place.

Then here's to your health, old chap;  
I drink as a bridegroom to his bride;  
I leave an unfinished task for you,  
But God knows how I tried.

I've dreamed my dreams as all men do,  
But they all did not come true;  
And I pray today that all my dreams  
May be realized by you.

And we'll meet some day in the great Unknown,  
Out in the Realms of Space;  
You'll know my clasp when I take your hand,  
And gaze into your tired face.

There, all failures will be success,  
In the light of a new-found Dawn;  
So, tonight, I'm drinking your health, old chap,  
Who'll take my place when I am gone."

And so, if all will do their best on each occasion when duty calls, then in the coming years humanity itself may stand upon the highest peak and behold the dawn of that glad day when righteousness, linked with liberty and justice, shall dwell in all the earth.



I commenced my speech with the story of the statue, still standing in Athens, representing the old Greek God of Opportunity, and I close with the beautiful words of Mary A. Townsend:

"To each man's life there comes a time Supreme,  
One Day one Night, one Morning or one Noon,  
One freighted Hour, one Moment opportune,  
One Rift through which sublime fulfillments gleam,  
One Space when Fate goes tiding with the Stream  
Or Once, in balance 'Twixt Too Late, Too Soon,  
And ready for the passing Instant's Boon  
To tip in his favor the uncertain beam.  
Ah, happy he, who, knowing how to wait,  
Knows also how to watch and work and stand  
On Life's broad Deck alert, and at the prow  
To seize the passing Moment, big with Fate,  
From Opportunity's extended Hand,  
When the great Clock of Destiny strikes Now!"

## CHAPTER IV.

### ADDRESS ACCEPTING NEW HAYWOOD COUNTY COURTHOUSE ON BEHALF OF BAR ASSOCIATION, SEPTEMBER 19, 1932.

*The Lord bless thee, O habitation of Justice.*

JEREMIAH 31: 23.

Mr. President, Ladies and Gentlemen:

It is a privilege of which I am profoundly proud, that has been conferred upon me by the Committee of the Bar Association, to take part in the celebration of a day and an event that will be memorable in the history of Haywood County.

And I am especially proud of the particular part the Committee has assigned to me—to accept on the part of the Bar the most beautiful, the most convenient, and, as we believe, in all of its appointments, the very best Courthouse in all this country.

As I stand before this splendid audience, composed of citizens assembled from every section of Western North Carolina, I wonder whether they will consider that I am guilty of any impropriety if I shall say that this Courthouse is situated in the best County in the entire State. In farming, in stock-raising, in road-building, in the number and character of our churches and schools, in the size, value, accommodations, and comforts of our Home for the Aged and Infirm, and in the size, equipment, efficiency, and completeness of our Splendid County Hospital, with its staff of able doctors and skillful surgeons, and especially in the strong, sturdy, and progressive character of our citizenship, surely Haywood County stands in the forefront of North Carolina Counties.

I congratulate your Honor that you are the first Judge to preside over a Court to be held in this Temple of Justice. I congratulate the Architect who designed it, and the Artisans who constructed it. I congratulate, individually and collectively, the Commissioners who ordered it and supervised it, and made of it a Courthouse that will accommodate the increasing needs of our growing County

until our grand-children are old. I congratulate the keeper of this building upon the excellent and painstaking care he is devoting to it.

As is ever the case in an undertaking like this, there were those who opposed the construction of any building at all. There were others who criticised the character of the building during the course of its construction, but I confidently believe that when time has receded until we can have a perspective of events, the universal verdict of our people will be that our Commissioners have builded wisely and well, because their work will endure.

This magnificent structure is our building, the concrete expression of our pride in our County; and I think there could be no more convincing and eloquent evidence of the unconquerable spirit and splendid patriotism of the people of Haywood County than the fact that in the midst of our country's greatest depression they should be here today dedicating not only to their own use, but to the use and enjoyment of generations yet to come, a Courthouse that would do honor to any County in any State in the American Union.

Much as I appreciate the kind and generous spirit that prompted my brother Johnson to bestow upon me such fulsome praise for the small part I was able to play in the actions and events that made this day and this celebration possible, candor compels me to disclaim much, if not all, of the credit he is so willing to accord me. If so be it happened that I prepared more of the papers and had more to say in the action that resulted in a perpetual injunction forever enjoining the repair of the old buildings, thereby precipitating the absolute necessity for this structure, let me say that, without the support and helpful assistance of all the members of the Bar and a host of progressive citizens, my small efforts would have been in vain.

This Courthouse is not the result of the thought of any one man or of the efforts of any one man. It is the result of the concensus of thought and the combined efforts of all those who believed that Haywood County should keep step with modern progress in this great State, and, but for such cooperation, this happy day would never have dawned.

In the building of this Courthouse, as in everything worth while in politics, in religion, in business, and in civic movements, success is achieved only by unity of purpose, combined effort, and concert of action.



There are some features, however, about this Courthouse which I did suggest, and which were accepted by the Architect and the Commissioners; as, for instance, the enlargement of this room beyond the size contemplated by the original plans, and the installation of the gallery, just as Captain Hannah suggested the additional court room on the third floor. And there is another feature which was my original thought and suggestion, and which was adopted by the unanimous vote and approval of the Commissioners, and for which I am not only willing, but proud to accept credit, and that idea was to build in, as a part of the Courthouse itself, so that they will endure as long as this building shall last, the Decalogue, which now forms the basis of the Judicial Codes of every civilized nation on earth, and the figure of the blind Goddess of Justice. And it might be interesting in this connection to give a brief history of the giving of the Law and the surrounding circumstances attending that mighty event, as they are recorded in the nineteenth and twentieth Chapters of the Book of Exodus.

Far across the Mediterranean Sea, there is a vast desert belt five thousand six hundred miles long with a woof of rocky plains and sterile knolls woven into a warp of burning sands and hung around the broad shoulders of Africa, binding it to the globe and lapping over one third of Asia. This mighty desert stretches from the Atlantic coast of Africa to central Hindustan in Asia. Amid its sandy and unproductive areas, there are many beautiful oases which lie like kisses on its sun-burned cheeks and many verdant valleys with which its parched face is dimpled. Near the center of this arid zone, lying in the forks of the Red Sea, is the peninsula of Sinai, and there Sinai rises in rugged grandeur to the maximum height of nine thousand, three hundred feet, towering into irregular, daring, and splintered peaks and breaking into a thousand badly balanced and salient crags.

Here, in the very heart of this system of mountains is the plain of Rahab where the Tribes of Israel lay encamped during the days when the law was given and there, rearing its jagged head among the clouds is Mount Horeb, where the Divine Glory sat enthroned during the days of the giving of the Law.

And there Sinai stands today, unchanged and unchangeable, precisely as it was when the foot of God trod its solitary peaks more than three thousand years ago. Since then, cities have sprung up out of the wilderness and then perished, whose ruins today are

the wonder of the archeologist and the student of antiquity. Kingdoms and Empires have arisen and passed away. Mighty republics have lifted their proud heads among the stars and then crumbled into dust. The wild goat now browses in their deserted capitols, the lizard sleeps upon their broken thrones and the owl hoots from their forgotten altars and ruined fanes; but Sinai still stands, sublime in its solitude, isolated from the world, uninhabited and uninhabitable, and there it will continue to stand until time shall be no more. The music of machinery, the hum of industry, and the roar of battle have never been heard among its gray old peaks. They have stood there silent since God spake from their summits, save when the nimble-footed lightning has danced among their rugged boulders and heaven's thunders have rumbled among their crags. But there was a time when God manifested Himself there, more than fourteen hundred years before Christ was born. It was then that the Tribes of Israel, numbering some six hundred thousand, besides women and children, assembled upon the plains of Rahab and in the mouths of the valleys widening into the plains. And then we are told that on the third day, in the morning, the clouds began to gather around the peaks, growing denser and blacker every moment. From the turbid and inky embankment great pieces and murky fleeces of cloud rolled out and lapped around the cliffs and enveloped the ravines, until at last every peak was hidden, and the Mount itself seemed changed into angry, lowering clouds, instinct with latent tempests, and lifting themselves around the surrounding mountains. And now the lightning began to shimmer; the electric flashes trembled upon the face of the clouds; the clouds themselves grew blacker between the flashes, while rumbling thunders sprang from peak to peak, rolled through the gorges, and left the whole desert roaring in echo.

Such, my friends, we infer from Holy Writ, was the dreadful but magnificent prelude which heralded Divinity. And now, the great God, Law-giver and Judge, descended in fire from Heaven, and as His divine foot touched Sinai's granite crest, the mountain reeled and quaked while volume after volume of smoke ascended the sky to cover the track of descending Deity. God, the greatest of all law-givers, was on the earth, His foot-stool. A trumpet more terrible than the trumpet of judgment that will awake the dead announced His presence. It was the trumpet that summoned all humanity to receive the law and its thunderblasts shook the moun-

tains. Moses trembled and the people fled away from the Mount, for immutable law was King that day. Louder and still louder sounded the trumpet,—its awful tones forming words which shaped themselves into a code of law enduring as time, inexorable as death:

1. Thou shalt have no other God before me.
2. Thou shalt not make unto thee any graven image.
3. Thou shalt not take the name of the Lord thy God in vain.
4. Remember the Sabbath day to keep it holy.
5. Honor thy father and thy mother.
6. Thou shalt not kill.
7. Thou shalt not commit adultery.
8. Thou shalt not steal.
9. Thou shalt not bear false witness.
10. Thou shalt not covet.

And this code of law, thundered down from the heights of Sinai more than thirty centuries ago, is the law in North Carolina today. And, my friends, I am superstitious enough, or sentimental enough, or religious enough, if you please, to believe that these laws of the Almighty, carved in these tablets of marble, emblematic of the tablets of stone on which they were originally graven, built in as a part of this court room, where they will remain constantly before the eyes of the people and the jurors and the witnesses, will, as the years go by, materially aid in the administration of justice in this Courthouse. I believe that when the witness goes upon that stand to testify and is conscious that just above him is the command from on high. "Thou shalt not bear false witness", he will pause long before testifying falsely in a contest between man and man.

I have hanging on the walls of my office a picture representing a Roman Court, when Justinian and his associates, at the command of the Roman Emperor, assembled nearly two thousand years ago to compile and codify the laws of Rome. When you look at the picture, at first glance you see only Justinian and his associates; but upon a closer examination, you will see, in the background, just above the Judge's stand, the picture of a woman so beautiful as to make you feel that she must have been formed in Heaven and then handed down a stairway of stars for man to love and cherish forever. This same picture is on my license to practice law, issued by the Supreme Court of the United States, and the Supreme Court of North Carolina, and that of other States. It is on every lawyer's



license—this same picture of this beautiful woman, standing on a pedestal, holding in her right hand the sword of authority, while in her left hand she holds poised a pair of scales emblematic of the Scales of Justice. It is a picture of Astrea, the blind Goddess of Justice, worshipped in ancient times by pagans who had no knowledge of the Christian's God, but who believed that this Goddess of Justice presided in the souls of the Judges who held in their hands the lives and liberties and property rights of those whose causes the Courts were called upon to determine and to decide.

The mythologies of Greece and Rome teach us that this Goddess of Justice was blind when she poised her scales; blind to hatred, revenge, and vengeance; blind to passion, prejudice, and partisanship; blind to everything except those things that pointed unerringly to the everlasting truth.

And I believe that this figure, built in as a part of our Courthouse, illustrating, as it does, the historical truth that, centuries before Moses and the Decalogue were ever heard of, men loved and worshipped Justice as an attribute of Divinity,—this figure will likewise aid in the administration of justice, because it teaches that, in all ages and in every clime, the idea of justice is inherent in the heart of man. Then let me appeal to the lawyers everywhere who expect to practice in this Courthouse, and let me especially appeal to the lawyers of Haywood County, that we make this Temple what it was designed to be—a place where justice shall be judicially, fearlessly, and impartially administered.

For more than a thousand years before the time of Christ, Zoroastrianism was the religion of ancient Persia and it is still the religion of several hundred thousand people in India. According to its teachings, the world constituted a mighty battle-ground on which the contended forces of Good and Evil were engaged in perpetual struggle. Midway between these two contending armies stood man, and it was incumbent upon him to choose upon which side he would battle. There could be no compromise, no evasion, and no division of loyalty. And not only was man required to enlist on one side or the other, but the beasts and the birds, and the winds and the flowers and the trees,—all nature, animate and inanimate, the very earth and the sky and the sea and all that in them is,—were likewise required to enlist either under the standard of Good or the banner of Evil in this perpetual struggle for supremacy; a struggle in which the Spirit of Good would ultimately triumph.

And so, too, in this Courthouse, as in every temple of justice, we see Good and Evil, Right and Wrong, engaged in mortal combat; for it is hardly to be imagined that both sides can be right in the same lawsuit.

And it is the never-ending conflict between Right and Wrong that makes every Courthouse a temple of tragedy, because here, Wrong sometimes triumphs, and the defeat of the Right in any cause must inevitably result in tragedy for some one.

We see in the Courthouse every class of human life, and every phase of human character. Here are hearts in whose dark and mysterious depths gleam fierce flames of vice and crime; and then, in contrast, here are bosoms fragrant with violet vales of innocence, where the goddess Virtue sits enthroned. Here we see eyes wet with tears of remorse and penitence, listen to piteous sobs of grief and regret, and hear words of pardon, soft and sweet. Here we listen to savage cries for vengeance or see wrapped in spotless robes of purity hearts that lovingly condone and forgive. Here we see thorns of hatred mingled with roses of love, and crimson stains on garments of guilt and beads of sweat, wrung by anguish or pity, glistening like dewdrops upon the brows of honest men. Here lurk the demons of revenge with bloody sword in hand, while at the feet of the sublime form of Justice, with persuasive voice and uplifted hands, the meek-eyed Angel of Mercy kneels. Here we see revolting pictures stamped upon scarlet brows of shame; but it is here, too, that charity draws the curtains to hide a neighbor's faults, turns a deaf ear to the tongue of scandal, and heals the wounds made by the poisoned arrows of hate. And here it is that Falsehood comes attired in the garb of Truth and oftentimes wears her mask so well that the unsuspecting jury believes her guileless; but above and beyond the clouds of gloom cast by Falsehood's shadow, and shining like the Star of Hope on Heaven's bright canvass we see the lustrous image of the Eternal Truth.

And higher than the steeple of this Temple, greater than the Republic itself, and more enduring than the granite of which this structure is builded are the Divine Attributes of Justice; and as long as the world shall exist as the habitation of man, humanity will continue to love the Right as a priceless boon and will gladly glorify those who strive to preserve and promote it.

It gives me infinite pleasure to accept, on behalf of the Haywood County Bar, this magnificent building.

ADDRESS DELIVERED AT WESTERN CAROLINA  
TEACHERS' COLLEGE ON THE OCCASION OF  
RAISING FUNDS FOR THE "MADISON  
MEMORIAL", OCTOBER, 1936

Dr. Hunter, Professor Madison, Fellow Members of the Alumni Association, Ladies and Gentlemen:

I am profoundly grateful to Dr. Hunter for inviting me to speak here today on this great occasion.

On the thirteenth day of May, 1897, when I was twenty-three years old, at the invitation of Professor Madison, I spoke to the Alumni Association of the old Cullowhee High School. I spoke then in the old green building down under the hill, the occasion being, as I now recall it, the ninth annual commencement of the school; and today, when I am sixty-three years *young*, in response to the kind invitation of Dr. Hunter, I am privileged to return to address the Alumni Association of the Western Carolina Teachers' College, and the friends of the college here assembled.

On the former occasion our Association had twenty-one members; today we boast a membership of one thousand one hundred eleven.

On the occasion of my former speech, among other things, I had this to say: "And before I conclude, I feel it my duty to say to you, Professor Madison, that there is one person at least among those who have graduated from your school, whose life, if it shall ever accomplish anything that is really worth while, whatever there may be of success; whatever there may be worth while, will be due in part—and in great part—to your kind teachings, to your wise counsel, to your patient forbearance, and to your devoted, your fervent, your never failing friendship. And I am sure, Professor Madison, that as an educator, as a Christian character, your influence here will endure for ages, and your name will be spoken with gratitude and veneration by generations yet unborn. After nine years of continuous and unbroken service as Principal of this school, now conceded to be the best of its kind in the State, you still stand forth with eye undimmed, and natural force unabated, ready for all the toils and duties of your exalted station. May your School—Our School—continue to grow until it shall shed lustre on North Carolina and the adjoining States."



Thirty-nine years have come and gone since I uttered those words. Would it be too much for me to claim that as a mere boy, I was then speaking the words of prophecy? Let us see. We all agree that this school has continued to grow; that it has shed lustre on North Carolina and the adjoining States, and I know that all of us agree that through all these thirty-nine years Professor Madison has remained the same kind teacher, the same wise counsellor, the same patient helper, and the same devoted, unfailing friend; and I also know that all of you will join with me in a prayer of thanksgiving that we have him with us still, with his force still unabated, and his eye still undimmed. And I am likewise sure that you will agree with me, that if we could know that he might retain his physical power and his mental vigor, we could wish that he might live to be as old as the man I heard about a few days ago. Up here in Avery County, North Carolina, where the altitude is above the clouds, and the people live in perpetual sunshine, mellowed with a generous mixture of moonshine, they boast that their people live to be unusually old. And the story goes that a stranger was passing through that County, and as he came around the mountain side he found a very old man sitting on the bank of the road and weeping as though his heart would break. His hair hung down over his shoulders, and his beard reached to his waist, and both were white as snow. Out of the kindness of his heart the traveler stopped his car, and went back and asked the old man the cause of his grief. As soon as he could master his emotion, the old man said: "Well, fifteen or twenty minutes ago my daddy came all around beating me to death." The stranger was amazed, and finally he inquired: "Do you mean to tell me that as old a man as you are has a father still living?" And the old man replied: "Well, you would think I had a daddy living if you could have seen him wear out that hickory withe around my naked back." And then the stranger said: "Well, old man, since you have told me this much, I want to ask you what your father was whipping you about?" And the old man replied: "Well, it was about as near nothing as you ever saw; he beat me up like he did because I was sassin' my grandpap!"

But in my speech here thirty-nine years ago, I also said this: "Having planted in the minds of so great a number of the young people of this country the principles of education, refinement, and progress; and having by your incessant labors built up a school here for the general dissemination of knowledge in this section, we

know that you merit the richest rewards and the highest honors of the people of this country while you live and their costliest brass and marble should protect your dust after your work here is over.”

Well, that is all right; and I have no doubt that when Professor Madison shall answer the summons that will call him across the mystic river that divides this world from the next; when he answers the summons that will call him to the rich reward that awaits him, the people of this country will rise up as one man and mark his resting place with their costliest brass and their most enduring marble; and I repeat that will be all right. But for a man like Professor Madison, in recognition of service such as he has rendered here, that is not enough. I believe in the custom prevailing in this country of sending flowers to the funerals of our departed friends. I love flowers. They are the emblems of purity and innocence, and nothing is more beautiful than a lovely living flower. But the burning rays of the sun will cause the flowers to fade, and the descending rains will cause them to decay. And I believe that a kind word spoken, a needful service rendered, and a little sunshine scattered here and there will be worth more to us while we live than a wilderness of flowers scattered over our graves after we are dead. And I believe that all of you will agree with me that Professor Madison deserves to be honored with budding, blooming, living flowers while he lives.

Honors paid by the living to the dead are as old and universal as the races of mankind. They follow the bereavements of the cabin and the palace. Simple ceremonies attend the humble and the lowly, and frail memorials mark their resting places; while the long procession and the solemn and lofty dirge, the crowded assemblage, and the voice of eulogy, all wait upon departed eminence and glory. The barbarian chants a requiem over the grave of his fellow mortal, and the Christian extols the virtues of his fallen comrade. And I believe in erecting monuments over the graves of our departed dead, and carving epitaphs that will transmit from year to year the meritorious deeds of those who sleep beneath them; but Time, after a while, with its destructive forces, will dim the epitaph and crumble the marble into lifeless dust. And I believe that every person in this great audience will agree with me that Professor Madison deserves a monument, to be erected in his lifetime, that will shine more brightly through the coming years than our most highly polished

brass, and that will be more lasting than our richest and most enduring marble.

No one ever dies all forgotten, and no one ever wholly perishes from the face of the earth. The currents of influence, for good or for evil, when once started, flow on forever, even here on the earth; and this is so because every mind and heart reproduces some of its qualities and some of its achievements upon the minds and hearts of others, both before and after death. The greatest actors on the broad stage of human affairs have always pointed back from the loftiest points of their elevation, to the Mother with her prayers; to the Father with his toil and devotion; to unselfish kindred; to self-sacrificing friends; to teachers who taught them that they were born for a higher destiny than that of earth, and bowed with reverence before the living power associated forever with their names and memories. But now and then the current of this stream of influence receives a new and startling velocity. Some intellectual force, towering above all others of its period and section, occasionally imparts to communities and States, and even to nations at once, an impulse which condenses the ordinary advancement of the times into the thrilling compass of a single day. Then entire communities and States, and not merely individuals, become the subjects of an irresistible influence. A new era is then noted on the page of the historian, and new gateways are opened for the onward movement of the race. Such an event occurred here at Cullowhee, when in 1889, a young man from Virginia, the descendant of a famous family of that great commonwealth; a family which has given a President to this nation, and many other noted men to the world, came here and founded the old Cullowhee High School.

It was my privilege to attend that school in the second year of its life, and until I had finished the classical course then prescribed. During that period the school was tottering on its first foundations, and I know something of its troubles, its trials, and its travails. Its only means of support was the tuition of the students which most of them were unable to pay; and I well remember the times when we had but little assurance that the school would continue from one month to the next. And I can also bear testimony to the toils, the penury, the poverty, and the hopes deferred, that darkened those early years in the life of that young man. But he was utterly unafraid. He was afraid of nothing but doing wrong. Disappointments failed to sadden his face. His heart was full of hope and his



soul was full of dreams, and his eyes gleamed with the eternal promise of a better day; and so with the patience of a Job, with the self-denial of a Hermit, and the courage of a Martyr, he fought his battles against what appeared to be overwhelming odds. But the struggles of the years brought mastery, and with mastery came faith, and with faith came triumph,—a triumph whose proportions have continued to swell until his influence took unto itself the wings of the morning and visited the uttermost parts of this and surrounding States; and it dwells today in a thousand homes in our mountain section and has shaped the destiny of thousands of lives. And as a result of his self-sacrificing life-work, combined with the magnificent leadership of our splendid President, Dr. Hunter, for the past thirteen years, the old Cullowhee High School has grown into the Western Carolina Teachers' College, a college easily the equal of the best of its kind in all the land, and superior to many.

My friends, all men and women who deserve to live desire to survive their own funerals, and to live afterward in the service they have rendered to mankind, rather than in the fading characters written in the memories of men. Most men desire to leave some work behind them that will outlast the brief day and generation in which they lived. That our influence shall survive us and be living forces when we are in our graves; that our works shall be read, our acts spoken of, and our names recollected and mentioned with reverence and gratitude, both while we live and after we are dead, as evidence that our achievements live and rule and sway, and lead some portion of mankind and of the world,—this is the highest aspiration of the human soul. To plant trees, that after we are dead shall shelter our children, is as natural as to love the shade of those our fathers have planted. To sow that others may reap; to work and plan, not only for those who live while we live, but for those who shall come after us; so to work and live that the results of our lives shall reach far into the future, and live beyond our time; to rule in the realms of thought over men who are yet unborn; to bless, with the glorious gifts of a well spent life, the unnumbered thousands who will neither know the name of the giver, nor care in what cemetery his unguarded ashes repose,—this is the supreme aim of every exalted life.

The poorest unlettered laboring man, painfully conscious of his own limitations; and, in consequence, stirred by laudable ambition for his offspring; and the poorest widowed mother, giving her life-

blood to those who pay the pittance she is able to earn,—such a man and such a woman will toil and save and sacrifice, in order to educate their children, that the rising generation may occupy a higher station in the world than its predecessors. And so, from the ranks of such humble but heroic souls come the world's greatest benefactors. Hence in the influences and results that survive him, man becomes immortal through successive centuries.

The Spartan mother, who, giving her son the shield, said to him, "Win with it, or die upon it", shared the government of Lacedæmon with the legislation of Lycurgus, for she, too, made a law that lived after her; a law which inspired the Spartan soldiers that afterwards demolished the walls of Athens, and aided Alexander the Great to conquer the Eastern world.

The widow who gave the fiery arrows to Marian with which to burn her own house that it might no longer shelter the enemies of her country, the house in which she had lain with her head on her husband's bosom, and where her children were born, legislated more for her country than many a Legislature that convened after her State won its freedom.

It was of but little importance to the Kings of Egypt and the Monarchs of Assyria and Phoenicia that the son of a Jewish woman, a foundling, adopted by the daughter of King Sesostrius Rameses, slew an Egyptian because he had oppressed a Hebrew slave and then fled into the desert to remain there for forty years; but Moses, who might have been the representative of the King in lower Egypt, became the deliverer of the Jews, and led them from Egypt to the frontiers of Palestine, and made for them a law which still endures; a law that has furnished the foundation for the legal codes of all the civilized nations of the earth, and shaped the destinies of the world.

Moses and the old Roman lawyers, with Alfred the Great of England; the Saxon Thanes and the Norman Barons; the old judges and chancellors, and the original founders of our jurisprudence, now lost in the mists and shadows of the mighty past, are still legislating for us, and we still obey the laws which they designed.

Napoleon died upon the barren rock of his exile on the lonely island of St. Helena, and his bones, borne back to France by the son of a King, now rest in the great city on the Seine; but the thoughts of Napoleon still govern France. He, and not the people,

dethroned the Bourbon, and drove the last King of the House of Orleans into exile. He, in his tomb, and not the people, voted the crown to the Third Napoleon, and he, in his grave, and not the generals of France and England, led the United forces against the grim despotism of the North.

Mahomet announced to the Arabian Idolators the new creed: "There is but one God, and Mahomet, like Moses and Christ, is his prophet." For many years unaided, then with the help of his family and a few friends, then with his disciples, and finally with an invincible army he taught and preached the Koran. But the religion of the wild Arabian enthusiast, conquering first the fiery tribes of the Great Desert, spread over Asia and India, the Greek Empire, Northern Africa, Persia and Spain, and dashed its fiery soldiery against the battlements of Northern Christendom; and today the law of Mahomet governs one-fourth of the human race, and Turk and Arab, Moor and Persion, Hindu and African, still obey the prophet and pray each day with their faces toward Mecca.

Confucius, now dead over twenty-five hundred years, still enacts law for China; and the thoughts and ideas of Peter the Great still govern Russia, with all its rapid changes in Government.

Socrates, Plato, Cicero, Demosthenes, Aristotle, and the other great sages of the ancient world are still recognized as the great Masters of Philosophy and still exercise dominion over the intellects of men; and the great statesmen of the past still preside in the councils of the nations.

Burke still lingers in the House of Commons in England; the sonorous voice of Mirabeau still rings in the legislative Chambers of France; and the echo of Patrick Henry's eloquence may still be heard in the old St. John's Church in Richmond.

Long years ago the Temple built by Solomon crumbled into ruin when the Assyrian hosts overran Jerusalem and left the Holy City a mass of ruins and Palestine a desert. The Kings of Egypt and Assyria, who were contemporaries of Solomon, are now dead and forgotten, and their kingdoms are shattered wrecks bleaching on the shores of Time. The wolf, the lion, and the jackal now howl and roar among the ruins of Thebes and Tyre, and the sculptured images of Nineveh and Babylon are dug from the ruins and placed in the scattered museums of the world; but the Proverbs and Songs of Solomon still live, and will continue to live through the coming



centuries as gems of priceless wisdom "which rust cannot corrupt, and which thieves cannot break through nor steal."

It is said that Jesus of Nazareth, during his entire career on earth had not where to lay his head. He was a man of sorrows and acquainted with grief. He was criticised because He sat down at the table to eat with publicans and sinners. He visited the sick and those who were in prison, and was denounced as the friend of the outcast. He was despised and rejected of men, and was finally tried, condemned, and crucified upon a false charge of seditious teaching against the reigning Caesar; but His executioners could not destroy His ideas; they were unable to crucify the doctrines He taught; and upon these ideas and doctrines, there arose all around the world the fanes of a new and undying faith.

My friends, if God, who is Himself invisible to the eyes of Mankind, by means of definite acts reveals Himself to the understanding of men; if He acts through Angels in Heaven, and through men on earth, then let me ask, may not the works of Professor Madison here in Cullowhee, be likened unto the works of God, his Maker and Redeemer?

I have oftentimes stood upon the highest peaks of the mountains of this County and watched the light of the dawn come sweeping over the eastern hills, like the mist hurrying before the ocean's gale, until every plant and shrub and blossom glistened like diamonds in the effulgent rays of the morning sun; and I thought the picture was sublime.

I have listened to the rumbling thunder bellowing through the raging storm, and have watched the lurid lightning leap out from behind the clouds at midnight and flash clean across the storm-swept sky, until cloud and darkness, and the shadow-draped earth, amid the rattle and roar of the rain and hail, and the crashing blast of the screaming winds, flamed suddenly into vivid splendor; and I thought that picture was sublimer still.

As I came across the Balsam Mountains this morning, I gazed upon a picture that fairly took my breath away; a picture painted by that unseen Mystic Hand that traces the never fading green on pine, and laurel, and cedar; but mingled with the green there was the red of the oak, the yellow of the poplar, the brown of the hickory, the black of the walnut, the scarlet of the sassafras, the gold of the maple, the pink of the sumac, the lavender of the locust, the crimson of the birch, and the gray of the slinging moss; while

the sourwood added its ruby blush, and the blackgum and the dogwood, mantled in purple tinged with orange, blended their brilliant hues with all the rest, until the whole mountain side seemed to be robed in all the resplendent colors of the rainbow; a picture of such rare and exquisite beauty that the Divine Painter Himself has dared to surpass it only in the molten and empurpled splendor of His sunset skies; and I thought that picture was sublimest of all.

But the most beautiful picture that I ever saw, or that I expect ever to see, unless I shall be permitted to look upon heaven's incomparable landscapes, with its gates of pearl and streets of gold, its purple hills and fields of light, and its opal towers and burnished domes, is the light of a noble, unselfish, well-spent life devoted to the service of others, and shining like a benediction upon those whom it has inspired and uplifted and waiting only for the Voice that will bid it enter the "Mansions in the Sky."

Such a picture we have before us today in the life and service of Professor Madison. And the great object of this great day is to make the final arrangements to convert the acre of ground on which the old Cullowhee High School building once stood, into the beauty spot, not only of this Campus, but of the entire country, there to remain in fresh and perpetual beauty as a memorial of him.

The plan, as I understand it, and as mapped by a great architect, is to plant trees, construct fountains and pools, to provide seats, and to lay off walk-ways, bordered by hundreds of varieties of shrubs and flowers. But the greatest idea of all,—an idea originating in the great and generous heart and brain of Dr. Hunter, is to establish in connection with this memorial, what shall be known as the Madison Memorial Scholarship, so that always through the coming years some worthy young man will be obtaining an education here in consideration of his service in keeping fresh and beautiful the Memorial down under the hill.

We learn in history that the ancients had a poor way of striking a light and keeping a fire, and so it happened oftentimes that there was no light to be had. The fires had been neglected everywhere and the whole nation found itself in darkness. To rekindle the spark was a laborious and difficult task, and so the people of antiquity, in order to prevent a recurrence of the calamity, designated certain persons whose sole duty in life was to keep the lights always burn-

ing. In Rome the preservation of the fire was given a sacred character. A Temple was built for the service in honor of Vesta, the Goddess of the Home and the Fireside, and those set apart to feed the fire were consecrated as to a religious duty. The purest young women in Rome were chosen as guardians of the sacred fire, and if one of these Vestal Virgins, as they were called, lost her purity or let the fire in the Temple go out, the law of Rome imposed upon her the awful penalty of death. And so, within the Temple, night and day, winter and summer, and from year to year, the Vestal watched her sacred flame. The Roman Legions might camp upon the distant Rhine, or chase Picts and Scots in the Grampian Hills, or form lines of battle on the Euphrates; but in the Temple at Rome would be found the eternal fire, with the Vestals watching it night and day. If the fire went out in the house of any Roman, rich or poor, in country or in town, he was not left in perpetual darkness; but straightway he took himself to the Temple and lit his torch at the sacred fire which the Vestals had kept alive. And in all the broad domain of Rome there was never a fear of universal darkness, because they knew that if one of the Vestals proved recreant to her duty, another would be there to take her place, and that Vestals might come, and Vestals might go, but the light would shine on forever.

My friends, let us erect here today a Temple; let us inaugurate in that Temple the Vestal service; let us make it like unto a "pillar of cloud by day and a pillar of fire by night"; let us make it like unto "a city that is set upon a hill that cannot be hid", so that the light of the life of this great and good man shall shine on forever.



## CHAPTER V.

### RELIGION—A COMPARISON.

*"God is a Spirit; and they that worship Him  
must worship Him in Spirit and in Truth."*

JOHN, Chapter 4: 24.

Ladies and Gentlemen:

History tells us that Demosthenes, the greatest of the Grecian orators, before addressing the multitude would always pray to all the Gods and Goddesses of Greece to allow nothing but words of truth and wisdom to pass his lips.

On this occasion I feel deeply my unworthiness and my inability to even approach the discussion of the sacred subject of religion, and I trust I may be pardoned if I crave and request the earnest prayer of each person present that I may speak tonight only those words that will be helpful to you and to me.

I am sure you will agree with me that my task is a difficult one when I must confine within the space of one short hour the discussion of the sublimest theme in the Universe; a subject as old as the human race itself; one upon which countless thousands of volumes have been written, and which has engaged the best thought of the greatest minds the world has ever known. Of course an hour will not seem long if you pay attention to what I shall have to say. Down in one of the Counties east of here I heard a story about Judge Cook who for many years presided over our Superior Courts. A lawyer at Durham had argued a dull, dry legal proposition for about three hours, and finally something he said caused the Judge to awake. The lawyer then said: "If Your Honor please, I do not feel at liberty to trespass further on Your Honor's time." Judge Cook at once replied: "Don't you worry about having trespassed upon my time; for the past two hours my fear has been that you proposed to invade the realms of eternity." And the story goes that the next day was Sunday and the Judge went to church. When the service was over the Judge was presented to the minister who

asked him after the introduction what he thought of his sermon, and Judge Cook said: "Well, it was wonderful; like the love of God, it surpassed all understanding, and like His mercy I thought it was going to endure forever."

Religion is inherent in the heart of mankind, and the religious idea is so old that it is lost in the impenetrable shadows of antiquity. It matters not how far back we trace a religious faith, we find unmistakable evidence that it is the successor of a faith that lived before. It is said that Zoroaster was the founder of the religion of ancient Persia, and yet we find abundant proof that Zoroaster was a compiler and an apostle rather than the founder of a new religion. The Vedas of India consist of a collection of the peculiar ideas of religions that were hoary with age when the authentic history of India begins. When we read the history of the world and its mythology we find that the people of every age and clime, whether civilized or savage, worshipped something.

What does it mean? What is it that we call religious faith? It came into the world of man countless centuries ago, and it is here today. Wherever man is, there is also a Spirit and a God. Wherever there is human life there is also faith. Where did it come from? And when? And how? And why? What was it yesterday? What is it today? What will it be tomorrow? I repeat, what does it mean?

It surely means that belief in God; belief in a Higher, a Superior, a Supreme Power is the basis on which mankind has built and advanced, and the basis on which his hope and destiny rest.

So far back as we can trace the history of the human race, religion in some form has constituted the heart of civilization and the soul of progress. It was here before the Tower of Babel reared its crest into the clouds. It was here before the Pyramids were built and before the Sphinx gazed out upon the desert wastes of Africa. It was here before the intrepid Greek warriors led their invincible hosts to their ten years' war with Troy. The nations that first worshipped at the shrine of a Supernal Power are buried beneath the dust of bygone ages. The altars and temples of countless centuries have crumbled into ruins and over their forgotten sites great cities have reared their proud palaces of stone and marble. Mighty civilizations have successively played their several parts, run their cycles and then given way to newer and higher forms of life; but the religious idea remains with us still and grows with man's intellectual growth and "broadens with the process of the suns."

We may ponder over the prophecies of the Old Testament and the Revelations of the New Testament until we are gray with age; we may read the Koran of Mahomet and the Zenda-Vestas of Persia; we may study the Vedas of India and the Analects of China; we may refresh ourselves with reading the Sagas of the Scandinavian climes and the mythologies of Greece and Rome; we may acquaint ourselves with all the religious literature of all the ages of all the world, and we have one mighty history of the never-ending search of mankind for light—a history of the quest of man for God.

In ancient Egypt the people worshipped many Gods, but their chief Deities were Isis and Osiris. Osiris was the Divine Lord of the Nile lands, the God of Justice and Love and Nurturing Light. We are told that he was put to death by Set, the God of Darkness and Evil; but his loving wife, Isis, went up and down the land in search of the body, and weeping until the banks of the Nile overflowed with her tears. Eventually she found the body and buried it; but this God of Darkness and Evil discovered the burial place, and after unearthing the body and dismembering it thoroughly buried each fragment in a different place. But the faithful Isis after traversing the land a second time, found all the pieces and buried them together in a securely sealed tomb. And then Osiris came to life again, and was miraculously resurrected from death and carried up to heaven where he lived on eternally.

Many of the virtues of Christianity appear to have been the ideal of the ancient Egyptians. A thousand voices from the Egyptian tombs proclaim this fact. The inscription on a king's tomb at Thebes, among hundreds of others, describes the creed of one of the Pharaohs in these words: "I lived in truth, and fed my soul with justice. What I did to men was done in peace, and how I loved God, God and my heart well know. I have given bread to the hungry, water to the thirsty, clothes to the naked, and a shelter to the stranger. I honored the Gods with sacrifices and the dead with offerings. I never took the child from its mother's bosom, nor the poor man from the side of his wife." I believe that every liberal minded man will agree with me that many of us could emulate that creed with profit to ourselves and to the world.

The Scandinavians worshipped Odin or Wodin as their chief Divinity. Their heaven was Valhalla, into which none could ever enter except those who fell bravely in battle, and in which Odin



had his abode with its roof of gold, and on whose innumerable walls hung as their ornaments swords and spears and shields. From its hundreds of wide portals issued daily multitudes of heroes to contend in battle, while beautiful maidens, called Valkyrs, swift as meteors in their flight through the sky, rode upon the wings of the wind invisible, above the scene of the conflict, and designated with their spears the warriors who should fall, and whom they would then bear off in triumph to Valhalla.

According to Greek Theogony first came Chaos, a shapeless and formless mass of matter. This is the condition in which the Greek poets supposed the world to have existed before the Almighty Power brought the confused elements into order.

Chaos was the consort of Darkness and from their union sprang Terra, or the Earth and Uranus, or Heaven. So the obscure fiction of the Greek poets coincide with the Hebrew account given by Moses: "And the earth was without form and void and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters. And God said, 'Let there be light and there was light'."

Terra, the Earth, married Uranus, or Heaven. Their offspring were Titan and Kronos, or Saturn, the last named being the God of Time. Titan, the elder son, gave up his dominion to his brother, Kronos, who then became king of Heaven and Earth. Kronos married his sister, Cybele, who was also known as Rhea. The reign of Kronos was called the Golden Age. The earth yielded spontaneously subsistence for its population and war was unknown. All things were in common and Astrea, the Goddess of Justice, controlled the actions of men. But Kronos had received his kingdom from Titan on condition that he would devour all his male children, which he had solemnly promised to do. His wife, Rhea, however, concealed from him Jupiter, Poseidon and Pluto.

Titan and his giant half-brothers, the Titans, then made war on Kronos. Each of the Titans had fifty heads and a hundred hands. They dethroned Kronos and took him captive, but Jupiter took up arms, assembling his brothers and the later Gods on Mount Olympus. The Titans collected their forces on Mount Othys, opposite Olympus, and then the war of the Gods commenced. After it had lasted for ten years or more Jupiter called the Cyclops to his aid, and also some powerful giants whom he had released from captivity and who then assisted him in the war. Mount Olympus was now

shaken to its foundations. The sea rose, the earth groaned and the mighty forests trembled. Jupiter flung his mighty thunderbolts. The lightning flashed and the woods blazed. The Titans attempted in return to storm the skies, throwing massive oaks at the heavens, piling up the mountains one upon the other and hurling them at Jupiter. But Jupiter flung the giants into the abyss of the earth below, and being completely triumphant, he released his brother from captivity.

We come now to the twelve great Deities—the six Gods and six Goddesses who formed the Council of the great Gods of Mount Olympus, presided over by Jupiter. The six great Gods of the Olympian Council were Jupiter, sometimes called Zeus, and in Latin, Jove, who was the real monarch of the heavens and the father of most of the other Gods. Poseidon, called Neptune in Latin, was the God of the sea and controlled the tides and the waves. Apollo or Sol, as he was called by the Romans, was the Sun God and patron of music, poetry and eloquence. Ares, called Mars by the Romans, was the God of War. He is represented as being armed with a helmet, a pike and a shield. He sits in a chariot drawn by furious horses, called "Flight and Terror"; and his sister, Bellona, the Goddess of War, conducts his chariot. Discord, in tattered garments, holding a torch in his hand, goes before him, while Clamor and Anger follow. Hephaestus, called Vulcan in Latin, was the God of fire and of blacksmiths and all those who worked in iron or other metals. Hermes, called Mercury in Latin, was the herald and interpreter of the Gods and patron of commerce and wealth.

The six great Goddesses of the same Council were first Hera, called Juno in Latin and referred to in the New Testament as Diana of the Ephesians, the Great Goddess of Nature and the wife and sister of Jupiter. On earth she was worshipped as Artemis or Juno, but was called Selene or Luna in heaven, or the Goddess of the moon. She lived in the woods accompanied by sixty Oceanides, daughters of Oceanus, a powerful Sea God, and by twenty sea Nymphs; and her attendant and messenger was Iris, the Goddess of the Rainbow. Armed with a golden bow and lighted by a torch kindled by the lightnings of Jupiter, she led her Nymphs through the dark forests and wooded mountains in pursuit of the swift-footed deer. The high mountains were said to tremble at the twang

of her bow, while the forests resounded with the panting of the wounded deer.

Aphrodite, as she was called in Greece, and Venus in Rome, was the Goddess of Love and Female Beauty and of Laughter and Pleasure, and was the daughter of Jove, although it was claimed by some that she sprang from the foam of the sea, and a zephyr wafted her along the waves to the Isle of Cypress where she was attired by the Seasons and then led up to the Assembly of the Gods. It is said that flowers bloomed at her feet as she walked, and the rosy Hours attired her in Divine apparel. Clad in a purple mantle, glittering with diamonds, and bound around her waist by the Zones, she traversed the heavens in an ivory chariot drawn by doves. Eros, or Cupid, as he was called in Latin, the son of Venus, was the God of Love. He is represented as a beautiful boy with wings. Armed with a bow and arrows it is said that he shot darts of love into the bosoms of both Gods and men. Athene, called Minerva by the Romans, was the Goddess of wisdom, of modesty and chastity, and was a daughter of Jove without a mother, having sprung from his head full grown and completely armed. Demeter was the Goddess of Corn and of the Harvests, and the mother of Persephone who was kidnapped by Pluto, the God of the Infernal Regions, of which she later became queen. Hestia, or Vesta, as she was called in Rome, was the Goddess of the Home and of the Fireside. In Grecian and Roman Mythology every man's house was his castle, and there before the altars of Vesta the new-born child was named. In Rome the preservation of fire was given a sacred character. The Temple of Vesta was used for that service and those set apart to feed the fire were consecrated as to a religious duty.

Astrea was the Goddess of Justice. It is said that she dwelt upon the earth in the Golden Age, but the wickedness and impiety of men drove her to heaven. With a blind-fold over her eyes so that she could not see either one of the suitors before her, she is represented as a woman indescribably beautiful, standing on a throne, holding in her right hand the sword of authority, while in her left hand she holds poised a pair of scales emblematic of the scales of justice, in which she weighs the actions of men, the good actions on one side and the bad on the other.

In addition to the Gods and Goddesses composing the Olympian Council there were many minor Gods and Goddesses, among which may be mentioned Terminus who was the God of Boundaries;



Comus was the God of Revelry and Festivity; Bacchus was the God of Wine and Plutus was the God of Wealth. Aeolus was the God of the Winds, and resided in one of the Aeolian Islands. It is said that when Ulysses visited Aeolus in his Island, this God gave him a bag in which were tied up all the contrary winds, so they would not disturb him in his voyage; but his companions opened the bag and all the winds rushed out and destroyed all the ships except the one in which Ulysses was sailing; and from these escaping contrary winds were formed the whirlwind, the hurricane, the cyclone, the simoon, the typhoon and the tornado. Janus was the God of Peace and it was believed that he presided over the military enterprises of Rome; and so the great gates of his Temple in the heart of the city were always left open so the people could enter and offer sacrifices for the success of the Roman arms. But it is said that during the entire reign of Augustus the gates of the Temple were closed for the first time in eight hundred years, for Rome was at peace with all the world.

Among the minor Goddesses may be mentioned Eos, or Aurora, as she was called by the Romans, who was the Goddess of the Dawn or the Morning. Flora was the Goddess of Flowers and Gardens; Pomonus was the Goddess of the Fruit Trees, and Somnus was the Goddess of Sleep. The Sirens were three Sea Nymphs who resided near the shores of Sicily where their sweet voices lured to sleep all who passed by and then drowned and devoured them. The Graces were three sisters who constantly attended Aphrodite to indicate that Beauty always accompanied Grace. The Furies, or Eumenides, were likewise three in number and were said to have sprung from the wound given by Kronos to his father, Uranos. They punished the guilty in this world by pursuing them with pangs of remorse, and in the infernal regions by perpetual torture. Nemesis was the Goddess of Vengeance and was the daughter of Destructive Night. She was the avenger of Wrong, punishing all offenders against the Eternal Law, but especially those guilty of taunting or boastful pride, and in general, those who were guilty of overstepping the bounds of moderation. The Three Fates were Clotho, Lackesis and Altropas; and they were clothed with tremendous power as they were entrusted with the management of the fatal thread of life. Clotho drew the thread between her fingers; Lackesis turned the wheel and Altropas cut the thread with her scissors. The Muses were nine sisters whose dwelling place was on Mount Olympus

where there was a fountain from which water gushed forth beneath the feet of the winged horse Pegasus, a deified monster. They were the inspirers of Music and of Song; and it was their mission to sing their divinely sweet melodies at the heavenly banquets. They were the daughters of Jupiter and Mnemosyne, the last named being the Goddess of Memory; and inheriting from her the ability to see and remember all things, they were the inspiration of the bards and poets.

And so it will be seen that the Greeks and the Romans had a God or a Goddess for everything. Each city had its own God and Goddess, and to name them all and tell the sphere and province of each would consume more than my allotted time. But I should dislike, my friends, to leave the Gods and Goddesses of the ancient world without paying my respects to Prometheus and Pandora. The task of creating man and the animal kingdom had been assigned to Prometheus and his brother, Epimetheus. Man, the greatest of all creation was created last, and it was then discovered that all gifts had been bestowed upon the animals and nothing was left for man. So with the aid of Minerva, the Goddess of Wisdom, Prometheus went to heaven, lit his torch at the chariot of the sun and sent fire down to man, so that with this weapon he was able to subdue the beasts of the forest and bid defiance to the elements. Woman had not yet been made and so Jupiter created the first woman. She was formed in heaven and every God contributed something to make her perfect, and they named her Pandora. Jupiter then sent her down to the earth on a stairway of stars, and provided her with a box into which every God had placed some blessing for the use of man; but Pandora, not knowing the contents of the box, and prompted by her curiosity, took off the lid, and all the blessings with one exception escaped; only Hope remained; and so it mattered not thereafter what evils should befall the earth, Hope would dwell with mankind forever to uplift and to bless.

When I read these myths with respect to the varying beliefs of the ancients as to how man was created I am reminded of Sam Jones' story of an old colored minister whose custom it was upon the conclusion of the service each Sunday morning to announce where his text would be found for the next Sunday. The text commenced near the bottom of the right hand page, and during the week some mischievous boys went into the church and pasted this page to the next succeeding page so that on the following Sunday

when the old man read his text he commenced at the bottom of the page and read: "And when Noah was one hundred and twenty years old he took unto himself a wife"—and then turning the pages so fastened together he read on—"who was three hundred cubits long, twenty cubits wide, forty cubits deep, made of gopher wood and covered with pitch on the inside and the outside." The old man by then was somewhat confused, and he read again with the same result, and then he said: "Well, breddren, I have been reading dese Scripture for more dan fifty years and I never read dat passage before, but it is here to show for itself and it only goes to illustrate dat other passage which says dat man is fearfully and wonderfully made."

When I read this myth of Pandora my heart throbs in gratitude to her for preventing the escape of Hope. Hope has been my best friend and has been constant and true when others failed. St. Paul tells us that "Hope is an anchor of the soul both sure and steadfast." It always attends the happy, the carefree and the joyous, and it oftentimes mirrors its brightest rays in the darkest waves of despair, and lifts us step by step up the mysterious ladder the top of which no human eye has ever seen, and although we may not always have all that Hope has promised yet we know that its Star will forever shine above the unrisen Tomorrow.

And so you will see that the fertile imagination of the Greeks and Romans filled the earth, the air and the sea with a great multitude of beings endowed with more than mortal power. Thunder was considered the voice of Jupiter and the lightning his spear. The gentle summer breeze was believed to be the impulse given by Zephyr's wings, and the forest's echo was the voice of a Goddess. Venus decreed the affection of lovers and the wound inflicted by the arrow of Cupid manifested itself in the enamored bosom. Mars led the way in battle, while the other Gods participated in the conflict, supplying their favorites with charmed arms and bestowing upon them supernatural power and skill. On the sea when the storm arose and the billows raged, Neptune was supposed to be manifesting his fury. Aeolus showed his anger in the raging winds. A cloud sailing through the sky was the chariot of Jove. Aurora introduced the morning; Iris manifested herself in the Rainbow, and "All earth was a kind of heaven and heaven was upon the earth."



The Greeks and Romans believed that their Gods were mighty, and that it was their part to reward and punish according to the good and evil conduct of each person's life. And so they found a place for a scheme of morality, and therefore there was a belief among the people in the laws of right and wrong, and therefore there was room for prayer and sacrifice. He who prayed might influence the Gods to hasten their purposes and benefits and to restrain their anger; and to this end there was an altar, a place of offering, a temple. And men must conform to the moral law such as it was. For did they not the wrath of the immortal Gods was kindled against them. Did they not, the Eumenides, those swift avengers of evil doing were ever at the gate, aye, at the threshold of every home, even at the elbow of every mortal life, ready to inflict the penalty for all misdeeds.

And they believed that after death the human soul descended to the shores of the dreary and pestilential river Styx, where the grim-looking Charon served as ferry-man in rowing departed spirits across the dismal stream which formed the boundary of Pluto's dominions, and whose gates were guarded by the monstrous three-headed dog, Cerberus, whose body was covered with snakes instead of hair.

They say that this river had its source in black caves and dark gorges, amid the barren spurs of unexplored mountains situated back in the distance and piled darkly against the sky. On this side of the river the rocks were black and jagged, and the banks were without tree or plant or blossom, and the surrounding landscapes were gloomy and desolate, forming a scorched and barren desert. At the mouth of this river the dark floods poured down an awful cataract into a fiery bottomless sea, overhung with perpetual night. It was full of strange and unearthly noises, and from its depths a never-ending cloud of smoke ascended. A dark murky vapor overhung the stream, hiding from view the opposite shore. There was heard the deafening roar of the turbulent floods as they plunged down the awful steep below, and there was seen the spray wreathing away in the dingy smoke of the bottomless pit in whose ascending columns fierce lightnings played and hell's unmuffled thunders rolled and roared and mingled with the shrieks of the lost. The river had but one crossing place, which was a short distance above the mouth, and on the opposite shore were the beautiful fields of Elysium, the residence of the righteous, a region of indescribable

loveliness and pleasure. All around were groves of the richest verdure and streams of silvery clearness. The air was pure, serene and temperate. The woods perpetually resounded with the warbling of song birds, and a far more brilliant light than that of the sun was constantly diffused throughout that delightful abode, whose inhabitants, undisturbed by care or sorrow spent their time in the enjoyment of such pleasures as they had experienced on earth, and in admiring the wisdom and power of the Gods.

My friends, to people living in this marvelous age of progress and Christian civilization, the religion of the ancients may seem crude and foolish, and yet I maintain that their religion was much better than no religion at all. History abundantly proves that when a nation begins to doubt its Gods, when it begins to neglect its religion it begins to lose its glory; and crude as the religion of the ancients may have been, as long as they adored what they believed to be a Superior Power it made them stand erect and face toward heaven.

Under the guidance of Isis and Osiris, Egypt, so old now that the very origin and meaning of the word itself is lost; Egypt, the land of history and of mystery and the richest spot on earth was the cradle of civilization, and was a mighty empire rising from beyond the remotest records of time—a land where the music of harp and flute was heard two thousand years before they wooed the glittering halls of Solomon's Temple, and her mighty achievements are reflected today from the massive monuments slumbering in eternal repose among the sands and bulrushes of the valley of the Nile.

Centuries before Greece and Rome appeared in history, Babylon, under the worship of Ishtar, had become the mightiest world power of antiquity. Babylon, her capital, with its hanging gardens, which constituted one of the Seven Wonders of the world, was the oldest city in the world as well as the world's oldest capital, and was once the proud seat of Nimrod's ambitious empire.

Under the practice of a pagan religion, for nearly two thousand years, liberty hovered over Greece like the Angel of Creation hovering over night and chaos, and from the fostering warmth of her embrace came forth an immortal world of letters, of art, of science and of law. The Macedonia, the Spartan, the Arthenian, all, lifted their proud heads among the stars; they sounded all the depths and shoals of honor, drank deep draughts from the very fountains of freedom, achieved immortality in every department of human

thought and human action and barely condescended to pity and despise neighboring nations who were less free than themselves.

And with what grandeur the names of Rome's mighty dead and the sublime creations of their genius arise to our view! In what does the boasted civilization of the present surpass the achievements of a race and an age to whom the revelations of God as we understand them today, were unknown? Who has spoken as Cicero Spoke? What historian has guided a pen so full of majesty and beauty as that which inscribed the annals of Tacitus? Whose muse has winged a loftier flight or sung a nobler song than Virgil's? In arms, too, what warriors have improved upon the magnificence and skill of Caesar and Scipio? As we look back through the dim vistas of the past, we can still see the greatness and majesty and might of the Eternal City on the Tiber; we can still hear the clangor of her shields and the tramp of her conquering legions in all the countries of the then known world. We see her jurisprudence become an enlightened science from whose pages a light extends to the present hour; we see her culture and the genius of her civic institutions follow the Eagles of Caesar from the Alps to the British Isles and lay in savage Europe the foundations of still grander and mightier states, and we are forced to admit that the influence of her invincible power, her enlightened policy, her literature, science, art and inventions still well nigh rule our majestic world. And so I believe that any religion is better than no religion; that any faith is better than no faith at all. I believe that any religion that makes men and women better and nobler and happier is worthy of every man's reverence. I believe that all rivers of righteousness have their source in heaven, and however rough and rugged their course; however dense and dark the forests through which they flow, each wandering stream will at last find its way to the tranquil sea.

The red man of the North American forest had his faith. He had never seen the Manito, but his trust in the Happy Hunting Grounds, the sparkling rivers and the fadeless beauty of an Eternal world was as unfaltering as the faith of any disciple that ever died for the cause of the Cross.

The Chinese, the countrymen of Confucius, have a faith in their system equally firm and unrelenting. It promises no rewards and threatens no punishments, but it teaches men to do right because it is right to do right; and five hundred years before the Great



Master announced the Golden, unselfish Rule of the Christian Religion, "As ye would that men should do to you do ye even so to them likewise", Confucius announced the Golden Rule of his Religion, "Do not unto others the things that you would not have them to do to yourself."

When the people of Israel broke their prison doors in Egypt and lay encamped in the Wilderness, the Omniscient Presence came down and gave them a Religion that still survives in every land in which a representative of the Hebrew race is found. It does not accept Christ as the Messiah, whose coming its prophets had foretold for centuries, but it teaches the worship of the Christian's God, and under its influence the feeble fugitives and homeless wanderers, without bread and without water in the desert, became an empire of wisdom, of wealth and of power. They possessed the Ark of the Covenant and took counsel from ministering angels directly from the portals of Paradise; and they to whom this Religion was given were those with whom the Lord of Hosts made his covenant and declared that through good or ill, through weal or woe, he would be their God and that they should be his people forever.

The Eastern Moslem worships with sincere devotion at the shrine of Mahomet, and, giving full faith to the testimony of his fathers follows the Crescent and rejoices in the prospect of a sensual Paradise at the end of life. Mohammedanism is not as good a religion as Christianity, but it is a great improvement over infidelity, because it recognizes Allah as the one true God and Christ as among the greatest of the Prophets.

Zoroastrianism was not so sublime as the Religion of the Man of Sorrows, but it was much better than Atheism, because it taught that the Universe constituted a mighty battle ground between the contending forces of Good and Evil, and that all who fought on the side of the Spirit of Right would be rewarded somewhere with everlasting bliss.

Buddhism is not comparable to the Christian Faith, but it is to be preferred to Agnosticism, because as it was revealed to the gentle and loving Guatama under the Banyan Tree in far off India it pointed out the eight Noble Paths that lead to Nirvana, a place or condition of perfect and perpetual mental peace.

The Hindu Religion, old as India and shrouded in mysticism, embraced today by well over two hundred million souls—more than the total number of Protestant Christians in all the world—

as exemplified in the life and works of the great Gandhi, teaches the doctrine of non-violence in all the relations of men with one another, and enjoins upon them that amity and friendship and truth and peace constitute the supreme law of life.

Mahatma Gandhi, called by his devoted followers the Great Soul of India; a lawyer of international renown; an orator of unsurpassed eloquence; a writer of transcendent power; a statesman the peer of the greatest, and universally recognized by all who know the wonderful story of his life as the greatest religious and spiritual leader the world ever saw save and except the Man of Galilee himself, is a product of the Hindu Religion. And I care not that he attires himself in a single cloak or garment and lives in a tent; I care not that he wears wooden shoes and lives on goat's milk; he tells us that the greatest quest of mankind is the quest for God; that he found him in the Hindu Religion, but that when he found him he found the same great God worshipped by you and by me. And in his own land wherever men struggle and falter there they hail his light, and not only by reason of his lofty wisdom but as well by the beautiful example of his saintly life, Moslems and Hindus and Brahmins and Buddhists and Hebrews and Parsees have ended their age-old hatreds and now walk hand in hand like brethren in a common cause; while in every home and hamlet; in the lowly huts of the countless thousands of so-called untouchables, where hunger and want and misery languish and suffer in the lowly tenements, and in the stately mansions of the rich and powerful, where opulence lolls in elegant ease and the jingle of gold mingles with the melody of laughter and song, his name has become a symbol of consecration and his life and influence a promise of salvation for three hundred and sixty-one million human souls.

The Aztecs of ancient Mexico and the Incas of the Peruvian plains adored the rising sun and worshipped the twinkling stars. With the lights they had before them it was the best they could do. And after all was it not a Star that heralded to the Wise Men of the East "The glad tidings of great joy"—that the Prince of Peace was born? Was it not a Star that guided their footsteps to the lowly manger in Bethlehem that they might worship the newborn Savior of the World and present their gifts of gold and frankincense and myrrh?

Then who will be bold enough to say that in all these great Religions of the world it was not God's mighty plan to reveal

Himself to men and women possessing different degrees of intelligence—to men and women of varying minds?

It was James Russell Lowell who said:

“God sends his teachers unto every age,  
To every clime and every race of men,  
With revelations fitted to their growth,  
And shape of mind, nor gives the realms of  
Truth into the selfish rule of one sole race;  
Therefore, each form of worship that hath  
Swayed the life of man, and given it to grasp  
The Master key of Knowledge, Reverence,  
Enfolds some germs of goodness and of right.”

And I believe that it is wrong and sinful to treat with disdain and irreverence these great religions which have wrought so mightily in the slow progress of the race in its upward march. We cannot separate the various revelations of truth, for together they form that invisible atmosphere which is called the human spirit. The Prophets did not speak to Judea alone; they drank not only the waters of the Jordan and the Euphrates, but they spoke also in India, and drank also the waters of the Ganges. The Egyptian Sorcerers, the Magi of Babylon and the Dualists of Persia all contributed to the Religious Idea; and the Religious Idea recognizes neither Nations nor Sects nor Churches. It passes from Pagoda to Pyramid, from Pyramid to Synagogue, from Synagogue to Basilica, from Basilica to Cathedral and from Cathedral to Church.

Christianity has always been willing to stand in the center of the world's arena and court the conflict. It has nothing to fear from comparison with other Religions, for truth has nothing to fear from error or from any conflict with error; and it recognizes truth wherever it finds it, whether in or out of Religions.

Of course we all agree that none of the other Religions embrace all the virtues that constitute Christianity, and while Christianity takes unto itself all the best in all Religions, and infinitely more, so that it presents an absolutely perfect system, without flaw or blemish, yet it recognizes that a virtue is none the less a virtue because it is practiced in a Religion to which we do not subscribe. And so I believe that all we find, in whatever ethnic faith, that



evinces any longing for communion between man and his Maker; every noble sentiment of poet or philosopher, every instinct which leads men to look above and beyond the grave, is welcome as a sign that God's love was all the time working in the hearts of men; that though feebly, and amid many fearful mistakes, some portion of the race in whatever tribe or nation who sought God, was receiving a Divinely imparted revelation. It must be so, because it is Christianity alone which, as the Religion of humanity, as the Religion of no caste, of no chosen people, as the only religion that recognizes the Universal Fatherhood of God, the universal Brotherhood of Man, and the Sisterhood of States and Nations, and therefore the only religion for which universal dominion is possible, has taught us to respect the history of humanity as a whole; to discover the traces of a divine wisdom and love in the government of all races of mankind, and to recognize, if possible, even in the lowest and crudest forms of Religious belief, not the work of demoniacal agencies, but something that indicates a Divine guidance. This is what St. Peter meant when he said: "For I perceive that God is no respecter of persons, but that in every nation he that feareth Him and worketh righteousness is accepted with Him." It is what Christ meant when he said: "And other sheep I have which are not of this fold: them also I must bring, and they shall hear my voice; and there shall be one fold and one shepherd." Suppose that today one hundred men and women were shipwrecked, and cast upon some desolate and lonely Island in the midst of the sea, where they would realize that it would be only a question of days or hours until they must perish unless succor should at once come to them. Then suppose that when the last hope had fled one of them should sight the sails of a ship in the distance, which was coming to their relief. Do you believe that those people would engage in a quarrel among themselves as to whether that ship was carrying the "Union Jack" of England, or the "Tri-color" of France, or the "Stars and Stripes" of the United States? Do you not believe rather, that the paramount question with them would be, Is that a ship that will safely carry me home?

And Christianity differs from the other religions in that it is founded on fact and the others are not. The Hebrew Religion is based for the most part on prophecy, and the more ancient Religions are based on myths. Mahomet, it is true, asserts that he went direct to heaven and received from the lips of God Himself the revelations

on which Mohammedanism is founded, but no one tells us this except Mahomet. Guatama says that the truths of Buddhism were revealed to him alone, while he was in seclusion in the forests of India; but no witness supports that claim. Christianity, on the other hand, is founded on historic facts and dowered in reality and is capable of proof by testimony as other facts and are proved.

When Elijah, the Prophet, stood upon the Mount in the midst of the storm, the earthquake and the pillars of fire, he failed to see the Lord in any of these forces of nature, but did recognize him in the still small Voice—the Voice which all of us have heard at some time or other.

I have three little grand-daughters who are the delight of my approaching old age, the eldest being now about eleven years old. She has always been a most unselfish child and is the most deeply religious soul I have ever known. It has always been an event in her life to spend a night in my home and sleep with me. Her last visit to spend the night was on one of my trips home only a few weeks ago. After going to bed we talked till midnight, in the main about religious questions which she wished to have explained. And finally she asked me if I ever heard Voices. Upon inquiring just what she meant she told me that she was always hearing two Voices, one on the right and the other on the left, the one on the right telling her to do good things and the one on the left telling her to do bad things. But she said that when she listened closely she could always tell that the Voice on the right spoke a little louder and more distinctly than the one on the left, until finally the Voice on the left would fade entirely away. Now do you think you could convince me that that little child does not hear Voices? I know she does, for I, too, have heard them. And what was the Voice she heard? It was the Voice of conscience and the Voice of conscience is the Voice of God speaking through the heart.

I stood by the bedside of my sainted mother and I saw her die. Just before she breathed her last those of us who were in the room heard her say, "Glory to God in the highest and on earth peace, good will to men." And then clasping her hands across her breast, with the simple faith of a little child, she repeated the child's prayer: "Now I lay me down to sleep", and when that was said she died. Do you have any doubt that in that sacred moment I heard in my soul a Voice saying unto her: "Daughter, be of good comfort; thy faith hath made thee whole, go in peace."

Have you ever been called upon to bury your little child? I have; and as I stood by its grave and knew that I would look upon its face on this earth no more forever, it seemed to me that I could hear a Voice from heaven saying: "Suffer the little children to come unto me and forbid them not, for of such is the Kingdom of God." Yes, I have heard Voices, and so have you.

And so my friends, while God himself is never visible to the eyes of mankind, manifestations of Himself are always visible. He appeared to Moses in the burning bush. Again he appeared in a pillar of cloud by day and a pillar of fire by night, and in the Temple at Jerusalem, in the Holy of Holies, just above the Mercy Seat, He appeared in a volume of blazing light; and so He adopts divers means to demonstrate to us that He is God.

In the days ago I have oftentimes stood upon the majestic heights of the mountains of my native County of Jackson at day-break, and looking toward the East have watched the somber drapery of the clouds roll up like a scroll from the rim of the horizon as the red torch of the morning enkindled upon the stainless crests of a thousand hills a line of crimson fires and sent forth ten thousand shifts of light to herald the coming of the God of the Day.

I have stood there when the shadows of the coming darkness were falling around me and I have seen the evening hang her silver crescent on the brow of night and equal the awakening glory of the dawn with the beauty of the sleepy twilight.

I have stood there in the winter time at midnight and listened sorrowfully to the ice-laden winds as they sighed through the dismantled forests, and watched the snow fields glistening in the moonlight—like foam-flecked billows in a stormy sea while a million Stars of Hope flashed back the promise that the soft balmy air and the gentle rains of spring-time would come again and renew in our midst the splendors of our beautiful mountain world.

I have stood there in the summer time at noonday, a thousand feet above the clouds, and watched the thunderstorm beat mercilessly upon the primeval trees in the rich valley below, as these giant monarchs of the forest, whitened by the snows of a hundred winters, stretched forth their mighty arms and struggled with the wild and relentless fury of the winds; when the lightning flashed against the sky in forked flame, and the very earth rocked and



trembled beneath the angry roar of the musketry of the winds and the artillery of the skies.

And then I have seen the dark storm clouds break away and disappear as the evening sun hung every shrub and bush and blossom with jewels more brilliant than the choicest diamonds found in South African and Brazillian mines; and then as the great Orb of the day passed behind the western hills, the world appeared to be encircled with ineffable beauty as God's beautiful Rainbow of Promise gleamed softly luminous behind the thunderbolts, and caused the hearts of all who saw to beat high with hope.

There is a picture that baffles and beggars description; a picture painted by that unseen mystic hand that traces the never-fading green on pine and laurel and cedar; that sprinkles gold on the maple trees when the winds of autumn come; that lights in molten splendor the Fairy Cities of the empurpled sunset; that causes the flowers to blush with radiance under the burning kiss of the dazzling sunbeams and attires the forests in all the resplendent colors of the rainbow, while the burnished sky, like the spangled robes of an enchanter hangs over it all.

And when I looked upon this picture of indescribable beauty, I asked myself the question, "What Intelligence less than the Intelligence of a God conceived all this?" And then I said how true is that Scripture which declares: "The fool hath said in his heart there is no God."

A few years ago just at night fall I boarded a ship at Norfolk, Virginia, bound for Washington City. All day long the rain had poured down in torrents, and a gale was blowing up from the South. Just as the ship entered the waters of the Chesapeake Bay I witnessed the stampede of an equinoctial hurricane fresh from the storm fields of Equatorial climes as it swept over the seething, tumultuous waves of the Atlantic on its way to the Arctic Seas.

The Spirit of the Storm God brooded above it. Havoc threatened on every hand. Death and destruction beckoned, and it seemed to me that the sun, the moon and the stars had been blotted out, and that the very earth and heaven itself had again been wrapped in darkness and in chaos. Strong men wept and women swooned. The scream of the hurricane was rendered more terrible by the loud rattle of rain and hail. The wild furies of the tempest rushed out from their vapory vaults and harnessed their thunder-clad steeds to the chariot of the winds. Lurid lightnings flashed out from

behind the dark and murky clouds, rumbling thunderbolts howled through the bellowing storm to mingle their roar with the crashing blast of the charging winds; while wave climbed upon wave, and towering surges flung their foam against the sky until at last the affrighted earth shook and quivered and quaked at the appalling uproar of the warring elements. But after a while the Morning Star, herald of the coming day, arose. Soon rosy-fingered Aurora, the Superb Goddess of the Dawn, spread her pavilions over the Orient and long beams of the dawning light streamed out upon the face of the night, and all the smaller stars disappeared. The clouds which lingered near grew purple and then reddened with the increasing light until they lay like fiery bars along the horizon.

Iris, Virgin Messenger of the Gods, standing upon the arch of the rainbow, threw kisses at the rumbling thunder and conjured blushes upon the cheeks of the storm and smiles upon the ugly face of the tempest, and then hid behind a distant cloud.

Selene, gentle Goddess of the Moon, Queen of the Night, her robes of hoary light fringed with aureate hue and trailing the ocean's brine, escorted by the constellations and leading her royal procession along the sky, retired into her palace.

And at last all the stars disappeared, and the sun, King of the Firmament, arrayed in his imperial draperies of dazzling flame, his disc resplendent and blazing, his countless rays blending, his long golden shafts of light gleaming and shooting clean across the sky caused both land and sea to shout their glad welcome of his life-giving warmth. At his coming the Evening Star turned pale with reverence, lifted her diadem, opened a window in her splendid home in far off Hesperia and retired within its walls. His artist's brush sheared through every cloud of darkness; a wave of glory surged up against the horizon, and flaming lances of livid fire thrown by the strong arm of the new-born morning flashed up against the sky as he ascended the ecliptic and hastened away to shine full orb'd over the perfect day.

And then I asked myself the question, "When the winds were calm and still what was it that roused the storm? and when the storm was high and furious, why did it not continue to rage?" And as I listened the answer came floating back through the centuries that the same Voice that had whispered "Peace" to the troubled waters of Galilee had stilled the winds and calmed the waves in Chesapeake Bay.

And then I said how true is that other Scripture which says: "The heavens declare the glory of God and the firmament sheweth His handiwork."

The Christian world reads the Bible throughout the eye of Faith, and with abiding confidence in the credibility of the witnesses who wrote that marvelous record, accepts its teachings as true. But the Bible, wonderful and incomparable book that it is; and religious and emotional, faith, beautiful and wonderful as they are, constitute but a part of a host of witnesses testifying to the fact of God.

God is everywhere and in every thing. We hear His voice in every peal of thunder that rolls along the sky. We feel his power in every tremor and quiver and convulsion of the earthquake. We recognize his might in the rolling waves of every storm-tossed ocean. We hear his whisper upon the wings of every passing zephyr. He that hath eyes to see beholds his smile in the warming rays of every burst of sunshine. He that hath ears to hear listens to his song in the rippling waters of the mountain streams as they flow on in their eternal journey to mingle their music with the murmuring anthem of the sea. All nature, animate and inanimate, the very earth, the sky and the sea, and the universe of solar systems whose suns and moons and stars course through the endless paths of space all proclaim through the boundless halls of eternity the glory and power and dominion of the All-wise, Omnipotent and Eternal God, and the Bible, the Book of Books, reveals Him through the birth, the life, the miracles, the death, the resurrection and the ascension of the lowly but mighty Nazarene.

Then let me ask, what does all this mean? Does it mean that "If a man dies he shall live again?" We will search in vain the philosophy of ancient paganism and the teachings of modern infidelity and materialism for a satisfactory answer to this all important question. Where is the hope, or the promise, or the consolation, which the writers and teachers in these schools offer us to take the place of the system of hope which they seek to destroy? They deny that there is a spiritual life beyond the grave, and reject the attributes of God, because these great truths cannot be comprehended by their puny minds, while the human mind itself is only one of countless mysteries which we cannot solve or explain but which we are bound to admit exists. To the human mind all Nature is mystery, and its processes are miracles occurring daily before



our eyes, and constitute convincing proof that God rules our majestic world.

The Atheist and the Agnostic close their lives on the level with the ox and the horse, and ask the great human family to lie down with the beasts of the field, and with them decay into dreamless dust, to be cast away upon the dark sea of doubt and despair, above them only the starless night, and below them only hopeless death.

Robert G. Ingersoll, the great Infidel, in one of his eloquent lectures, describes human life as "a narrow vale between the cold and barren peaks of two eternities." Ah, yes; such would undoubtedly be the life of the Infidel, because it shuts out God—a life without a spiritual horizon; a life without a sunrise of the soul; a life in whose contracted and rayless zenith shines no Star of Bethlehem—a sunken vale made desolate with the ashes of extinguished hope. And the ancient religions likewise failed to furnish a satisfactory answer to this all important question; and not only that, but the world has now been depopulated of its ancient Gods. They have been swallowed up in the voiceless, viewless past, hidden by the shadows of the centuries. Most of man's former faiths are now regarded fabulous. Their prophets have become as phantoms and their Gods as ghosts. The Dryads have been driven from the trees and the Nymphs from the streams. The sun is robbed of Apollo and the stars of souls. The sea no longer recognizes Neptune and his Tritons, and lovely Venus returns not to her native waves. Brahma the Golden and the dead Osiris have faded away and left their thrones deserted. The sun rises as of old and his smiles kiss the cold lips of Memnon, But Memnon opens not his mouth. The Egyptian mummies are still awaiting the resurrection promised by the priests, while the very traditions of that peculiar people are wrapped in a language now lost and dead. The sacred fires of the Aztecs and Persians are buried beneath the ashes of the past and there is now no one to rekindle the flames. The hoop of Orpheus still hangs on the willow and the drained cup of Bacchus is dusty and dry. Hushed forever are the thunders of Jupiter; lost forever are the songs of the Sirens, and over the ancient religions of the earth is thrown the mantle of oblivion. Nothing but a few headless statues and abandoned shrines amid the wreck and ruin of fallen cities remain to recall the Gods of the ancient world.

But the Religion of the Man of Galilee, with Faith for its Sword,

Hope for its Ensign and Charity its Shield, will live on and on through the coming centuries to bless and save mankind.

Arising in an enlightened and skeptical age but among a despised and narrow-minded people it earned hatred and persecution at home by its liberal genius and its opposition to national prejudices. It earned contempt abroad by its connection with the country where it was born, but which sought to strangle it at its birth. Emerging from Judea it made its way outward through the most polished regions of the world—Asia Minor, Egypt, Greece and Rome, and in all it attracted notice and provoked hostility. Successive massacres, and attempts at extermination prosecuted by the whole force of the Roman Empire it bore without resistance and seemed to draw fresh vigor from the axe and the stake; but assaults in the way of argument from whatever quarter, it was never ashamed or unable to meet and repel; and whether attacked or not it was always aggressive. In four centuries it had pervaded the civilized world. It had mounted the throne of the Caesars; it had sped beyond the limits of their sway and made inroads upon barbarian nations which the Roman Eagles had never penetrated. It had gathered all genius and all learning unto itself and made the literature of the world its own. It survived the onslaughts of the barbarian tribes and conquered the world once more by converting its conquerors to the new Faith. It survived an age of free inquiry and skepticism, and has ever commanded the intelligent assent of the greatest minds the world has ever known. It has been the forerunner of civil liberty, the hand-maiden of freedom, the patron of civilization and the nurse of learning.

Exhibiting in the life of Jesus a picture varied and minute, of the perfect human united with the Divine, in which the mind of man has not been able to find a defect or detect a blemish; a picture copied from no model and rivalled by no copy, it furnishes the only solution for earth's most transcendent problem—the immortality of the human soul. Its mission is one of hope and promise and happiness, in all the pathways of life on the shores of time; and provides the only universal plan for the redemption of the souls of men—for "God so loved the world that He gave his only begotten Son so that whosoever believeth in Him shall not perish but have everlasting life." And to all the children of men of whatever faith or creed; to the blind Atheist who is proud of his

blindness; to the groping Agnostic who boasts of his darkness, and even to the eloquent scoffer with his bitter tongue, as well as to the faithful followers of the Cross—to one and all, in the words of the Great Master, it holds out the invitation: "Come unto me, all ye that labor and are heavy laden and I will give you rest."



## CHAPTER VI.

### JESUS OF NAZARETH, THE SON OF MAN AND THE SON OF GOD.

*For unto us a Child is born, unto us a Son is given;  
and the government shall be upon his shoulder;  
and his name shall be called Wonderful, Coun-  
sellor, the Mighty God, the Everlasting Father, the  
Prince of Peace.*

ISAIAH, Chapter 9: 6.

The following speech, and the speech in the preceding Chapter, have been delivered in upwards of fifty churches, courthouses, schools and colleges.

Ladies and Gentlemen:

In the trial of civil causes in our Courts of Justice the questions involved, called issues, are submitted to the jury for their decision, and upon their answer to such issues the judgment of the Court is predicated.

On this occasion I desire to constitute the men and women of this audience a jury, and submit to you two issues for your consideration and decision, if you please, namely, First, Was there a man named Jesus, sometimes called the Son of Man, born in Bethlehem, in Judea, reared in Nazareth, and in the thirty-third year of his life put to death by the order of the Roman Governor of Palestine, Pontius Pilate? Second, Was this man Jesus the Divine Son of God and the Savior of the World?

Now, from the lawyer's standpoint, just as I would argue a cause before a jury in the Courthouse, I wish to present at least a part of the evidence and arguments which support the affirmative of these issues.

At first blush it may seem strange that I should select for discussion a great truth which should be acknowledged and taken for granted by all; but when we reflect that only a little more than one-third of the people of the world are followers of the Cross; when we must admit that in all Christian lands there is an ever-

increasing number of Atheists, Agnostics, and Skeptics who seek to poison the minds of men with their dangerous and destructive doctrines, I maintain that we cannot have too much proof in relation to a great, vital, momentous question that so closely affects our welfare here and our eternal destiny when life's brief journey is ended.

And is it not worth while to study the proofs which we continually find recurring, that the religion we profess comes not from man but from God? That the great Master whom we profess to adore was and is indeed "the Way, the Truth and the Life?" That "never man spake like this man?" And that the Sacred Writers who recorded His teachings were not mad enthusiasts or crafty deceivers but men who spoke in sincerity the words of truth and soberness which they learned from Him?

Then, what are the proofs, or at least a part of the proofs, which support the affirmative of the issues proposed?

It is a favorite argument of the skeptics that Jesus was born in a benighted land and among an ignorant people. Nothing could be farther from the truth. When Jesus came into the world the banners of Rome waved over large areas of three Continents—Europe, Asia, and Africa—and Rome itself, and the countries subject to it, including Palestine, had a total population of more than a hundred and twenty million people. That period in history known as the "Reign of the Caesars", beginning thirty-five years before the birth of Christ, and ending fifty years later, has been called the "Classic Age" of the world. Our High School and College boys declaim the matchless orations of Demosthenes, Cicero and their countrymen as freely as they practice the eloquence of Patrick Henry and William J. Bryan. The greatest historians of our own age have never excelled, if, indeed, they have ever equalled, the style in which Tacitus and Thucydides wrote history two thousand years ago. In painting, in sculpture, and in architecture, the Greeks and Romans of ancient times still excel the world, while in philosophy we still sit at the feet of Plato, Socrates, Cicero, and their associates. When Jesus was on the earth the Mediterranean Sea was as full of commerce and the interchanging transactions of the world as the Atlantic Ocean is today, and communication by water between Jerusalem and Athens and Rome was as quick and certain as it was between London and New York when our Revolutionary War was fought. Our Judicial system has

borrowed from the Roman Law the great principles of Equity, which constitute the heart and soul of the legal system which we administer in our Courts today, and the system of jurisprudence which we have developed in the United States much more nearly resembles the jurisprudence of ancient Rome than it does the law of England. With the exception of the use of electricity and steam, the discoveries and development of science, and modern invention, our civilization has never surpassed, and in many respects has never equalled the civilization of Greece, Rome, and Palestine, at the time Jesus of Nazareth appeared to challenge the scrutiny, the investigation, and the power, of the Hebrew and the Roman world alike. So He did not come to open his mission in a benighted land and among an ignorant people. Thousands upon thousands of educated Greeks and Romans were living in Palestine at the time, and the Greek and Roman languages were spoken by the Hebrews as freely and fluently as they spoke their own tongue. So well informed were the Hebrews in the prophecies of their own land, that even the "Shepherds abiding in the fields, keeping watch over their flocks by night", when they saw the heavens in a blaze of glory, and heard the tidings of great joy, on that Christmas night in the long ago, at once arose and said: "Let us now go even unto Bethlehem, and see this thing which is come to pass, and which the Lord hath made known to us."

So, my friends, let us proceed to the discussion of the issues proposed with that serious earnestness which becomes the greatness of the subject—a subject fraught with such momentous consequences to each of us. Let us pursue it as in the presence of God, with appropriate reverence, and with a full sense and appreciation of our accountability to Him for the right use of the faculties with which He has endowed us.

For the moment, let us confine the inquiry to the testimony of the four Evangelists, bringing their narratives to the tests of truth to which other evidence is subjected in our Courts of Justice.

Our religion is founded on fact—the fact of the birth, ministry, miracles, death, resurrection, and ascension of Jesus Christ. These facts are related by the four Gospel Writers as having actually occurred, within the personal knowledge at least of Matthew and John; and Papias, who wrote after the first two and before the last two Gospels were written, tells us that Mark wrote his Gospel at the dictation of Peter, who was an eye-witness to the works and



miracles of Christ; and Peter himself in the 16th verse of the first Chapter of his second Epistle tells us that, in making known the power and the coming of the Lord Jesus Christ, they were not following cunningly devised fables but were eye-witnesses of his majesty; while Luke, although he does not claim to have been an eye-witness, yet he lived in the same age and in the same country, and he says that he had "perfect understanding of all things from the very first" and that he verified by the most infallible proofs the events about which he wrote.

Our religion, then, rests in large measure on the credit due to these witnesses. Are they worthy of implicit belief in the matters which they relate? This is the question in human tribunals in regard to persons testifying before them; and I purpose now to test the veracity of these witnesses by the same rules and means which are there employed. Our Courts are governed by the fundamental rule that in trials of fact before a jury, by the testimony of witnesses, the proper inquiry is not whether there is a possibility that the testimony may be false, but whether there is sufficient probability that it is true. And in proceeding to weigh issues of fact, the principal question to be determined is: When may such issues be said to be proved? The answer to this question is furnished by another rule of law, namely, that an issue of fact is proved when its truth is established by competent and satisfactory evidence.

By competent evidence is meant such as the nature of the proposition to be proved requires; and by satisfactory evidence is meant that amount of proof which ordinarily satisfies an unprejudiced and unbiased mind beyond a reasonable doubt.

Now, the circumstances which will amount to this degree of proof can never be previously defined; the only legal test to which they can be subjected being their sufficiency to satisfy the mind and conscience of a man of common prudence and discretion, and so to convince him that he would be willing to act upon that conviction in matters of the gravest concern and importance to himself.

Proceeding then to inquire whether the facts related by the four Gospel Writers are proved by competent and satisfactory evidence, we are led, next, to consider on which side lies the burden of establishing the credibility of the witnesses. And on this point the law furnishes a rule which is of constant application in all trials by jury and which is, indeed, the dictate of that charity that thinketh no evil—that in the absence of circumstances which generate sus-

picion, every witness is presumed credible until the contrary is shown; and the burden of impeaching his credibility rests upon him who attacks it.

Then all I ask for these witnesses is that their testimony may be regarded as we regard the testimony of average men in the ordinary affairs of life. This they are justly entitled to; and this no fair-minded adversary will refuse. I might take even the higher ground and confidently claim that they were inspired witnesses, but my purpose is merely to try their veracity by the ordinary tests of truth admitted in human tribunals, and to consider what they say as original, substantive evidence; that is, evidence offered for the purpose of proving a fact in issue, as opposed to evidence given for the purpose of discrediting a witness, or showing that he is unworthy of belief, or of corroborating his testimony.

Then what is the wondrous story they tell, and in the telling of which they voluntarily sacrificed all the material interests of life and with apparent gladness submitted to the most cruel persecutions and went to a martyr's death as to a banquet?

They tell us of a Man who was perfect; a sinless Man, altogether without fault. They tell us of a Man who was supremely wise and supremely good; who proclaimed the universal Fatherhood of God, the universal Brotherhood of man, and the Sisterhood of States and Nations; and who was the first to teach that Love and Charity constitute the highest law of life.

They tell us of a Man who was intensely human and yet had all the attributes of a God; a Man clothed with Almighty Power, possessing all the qualities of Jehovah, the Lord of Hosts, and at the same time a God, walking the earth in human form, holding daily communion with men, dwelling in the habitations of men, sitting down to the table to eat with men, and sleeping beneath the roofs of men—mystery of mysteries, miracle of miracles! They tell us that He exercised dominion over life and death and that at his command the red blood of life resumed its circling courses through frigid veins in dead and decaying human bodies and the grave gave up its dead. They tell us that He dominated the intellect of man and drove from his brain the demons of insanity and crime, and reason resumed her sway. Sightless eyes, from which the beauties of the world had been forever hid, yielded to his magnetic touch, and blind men were made to see. His tones penetrated the ears of the deaf, and disordered ear drums, again attuned to

the melody of the spheres, commenced to function, and listened enraptured to the sweet, majestic music of his voice. He spoke to the dumb, and tongues long silent were loosed and the dormant organs of articulation caught his voice and shouted praise and thanksgiving to Almighty God. He bade the wasted and withered muscles and shattered nerves of impotent limbs to regain their strength, and the paralytic arose and walked. He struck the loathesome and unsightly scales from the face and form of the leper, and the most dreaded of all diseases fled and made way for the return of the vigorous and bounding health of youth. He laid his curse on the barren fig tree, and it withered and died like a beautiful flower at the first touch of "the North wind's breath". He spoke to the invisible forces of inanimate nature, and the raging winds of the tempest were stilled and the turbulent waves of the sea grew calm.

And then they tell us of a life which no mere man could ever live, and a death which none but a God could die. And finally they tell us that after he was crucified and dead and buried, He kindled the fires of resurrection inside the dark and dismal walls of the tomb; that He who had been killed, who had slept for three days as dead men sleep, covered with the perfumes of Nicodemus and the winding sheet of Joseph, rolled away the stone from the door of the tomb, escaped through its portals, appeared alive on repeated occasions in the presence of hosts of witnesses, and then, forty days later, led his disciples from Jerusalem as far out as Bethany, and there, in their presence, on one of the last evenings of May, when the fleecy clouds in that golden hour, like celestial islands in the radiant sea of the sunset sky were lifting from earth toward Heaven, like incense rising from a holy shrine, He was lifted on the wings of one of those matchless May clouds and borne to his "Father's House of Many Mansions", there to prepare a place for you and for me.

And this testimony of the Gospel Writers is overwhelmingly corroborated and supported by friend and foe alike. Now, by corroborating evidence I mean additional, supplementary evidence to that already given and which tends to strengthen or confirm it, as defined in *State v. Lassiter*, 191 N. C., 212; and by supporting evidence is meant evidence which is independent of, and other than, that of the principal or original witnesses to the fact sought



to be proved, as declared by our Court in *State v. Ferguson*, 107 N. C., 851.

First, then, in corroboration of the Gospel Writers I call your attention to the testimony of the five Apostolic Fathers, Barnabas, Clement of Rome, Ignatius, Hermas, and Polycarp, none of whom were eye-witnesses to Christ but most of whom were disciples of one or the other of the Apostles who were eye-witnesses, and who toward the end of the First, and in the beginning of the Second Century, wrote books in which they tell substantially the same story; and these books were for centuries included in the New Testament and are still included in the Catholic Bible as a part of the inspired writings relating to Christ.

And when we invade the precincts of the unbeliever, we find that the Gospel Writers are supported by original, substantive evidence of the weightiest sort.

Philo, the Alexandrian Jew, who wrote less than ten years after the Crucifixion, makes direct reference to Christ. That portion of the Jewish Talmud, or commentaries on the Hebrew Law, written after the Crucifixion of Christ, makes numerous references to Him; and that the miracles of Christ were, at the time, admitted by the Jews, we have proof in a book now extant, and which is very ancient, dating back to the First Century perhaps, entitled "Told-oth Jeschu", or Generation of Jesus, in which his miracles, except the resurrection, are acknowledged but attributed to magical art.

But Josephus, who was the greatest among the Jewish writers of ancient times, and whose books have come down to us verified beyond any question, is the most important witness among the Jewish unbelievers of the First Century. He was born only four years after the Crucifixion. In his childhood he listened no doubt to his parents as they told the marvelous things they had seen and heard. He visited Rome when he was but twenty-three years old and while Nero was on the throne. He was a Pharisee of great ability, educated for the priesthood, and was a man of broad views and extensive knowledge of the world. As he advanced in years and was growing old, he wrote a history of his people, of their antiquities and their wars, their victories and their defeats, their glories and their disasters, their pride and their downfall. Now in what respect does he corroborate and support the Gospel Writers?

The Gospel Writers tell us that John the Baptist was the forerunner of Christ, and that he was imprisoned and put to death by

Herod, and Josephus says: "Now some of the Jews thought that the destruction of Herod's army came from God, and that very justly, as a punishment for what he did against John who was called the Baptist; for Herod slew him, who was a good man, and commanded the Jews to exercise virtue, both as to righteousness towards one another and piety towards God, and so come to Baptism."

We are told in the Acts of the Apostles, written by Luke, that James the Just was the brother of Christ; and Josephus says: "Festus was now dead, and Albinus was put on the road; so he assembled the Sanhedrin of Judges, and brought before them the brother of Jesus, who was called Christ, whose name was James, and some others, and when he had formed an accusation against them as breakers of the law he delivered them to be stoned."

But now listen to his great admission, which not only establishes the fact of Christ as a Man but is practically an admission of his divinity. Here is what he says: "Now there was about this time Jesus, a wise man, if it be lawful to call Him a Man, for He was the doer of wonderful works, a teacher of such men as receive the truth with pleasure. He drew over to Him both many of the Jews and many of the Gentiles. (He was the Christ.) And when Pilate, at the suggestion of the principal men amongst us, condemned Him to the cross, those that loved Him at the first did not forsake Him; for He appeared to them alive again the third day as the Divine prophets had foretold these and ten thousand other wonderful things concerning Him. And the tribe of Christians, so named for Him, are not extinct to this day."

Now here are four Jewish unbelievers of the First Century testifying that Jesus of Nazareth did live; and Josephus not only admits the fact of his life and that he was the doer of wonderful works, but asserts that He was put to death by the order of Pontius Pilate.

And this is not all. When we invade the pagan world we are met at every step with proof *aliunde*, which is plenary and conclusive. Tacitus, the greatest and most reliable of all pagan historians, writing in the latter part of the First Century, in regard to the great fire which raged at Rome in the reign of Nero, and within thirty years after the death of the Savior, makes an awful record of the knowledge which the Roman people had of Christ and His followers. He says: "A rumor had gone forth everywhere that at the very time when the city was in flames, the Emperor

appeared on a private stage and sang of the destruction of Troy, comparing present misfortunes with the calamities of antiquity, and that, in spite of all his lavish gifts and the propitiation of the Gods he could not banish the sinister belief that the conflagration was the result of an order."

And then, in his famous *Annals*, in his own terse and graphic language, and in bitter hostility to the Christian religion, speaking from a pagan stand-point, Tacitus proceeds to say: "Consequently, to get rid of the report, Nero fastened the guilt, and inflicted the most exquisite tortures, on a class hated for their abominations, called Christians by the populace. Christus, from whom the name had its origin, suffered the extreme penalty during the reign of Tiberius, at the hands of one of his Procurators, Pontius Pilate, and a most mischievous superstition, thus checked for the moment, again broke out, not only in Judea, the first source of the evil, but even in Rome, where all things hideous and shameful from every part of the world find their center and become popular."

I next introduce Pliny the Younger, a Roman, who was Governor of Pontus and Bithynia in Asia, and who, in his celebrated letter written in the year 107, to the Emperor, Trajan, requesting instructions with reference to the trial and punishment of the Christians in his Province, has this to say: "That Jesus was worshipped by his followers as God." And he then adds: "They sing among themselves, alternately, a hymn to Christ as to God."

I now offer the testimony of Suetonius, a Roman historian who also flourished in the reign of the Emperor, Trajan, and who wrote in the year 116: "That Claudius Caesar expelled the Jews from Rome, because they raised continual tumults at the instigation of Christ, who (it is well known) was sometimes called Chrestus, and his disciples Chrestians."

I now introduce a witness in whose testimony I have great faith, because it constitutes the highest degree of proof known to the law, and is contained in a document as fully accounted for as any book or document of ancient times.

We learn from Roman historians that the ancient Romans were particularly careful to preserve the memory of all remarkable events which happened in the City; and this was done in their Acts or laws of the Senate, and in the daily Acts or resolutions of the people.

In like manner, it was customary for the Governors of the Provinces to send to the Emperor an account of remarkable transac-



tions that occurred in the places where they resided, which were preserved as the Acts of their respective governments. And it was in obedience to this custom that the history of the early church was called, and is still designated "The Acts of the Apostles." In conformity with this usage, Pilate kept records of the Jewish affairs during his procuratorship, which were therefore call the Acts of Pilate, and which give a complete account of the trial and crucifixion of Jesus, in every detail, substantially as recorded by the Gospel Writers.

Referring to this usage, Eusebius, a Christian author who wrote in the year 315, makes this statement: "Our Savior's resurrection being much talked of throughout Palestine, Pilate informed the Emperor of it, as likewise of his miracles of which he had heard; and that being raised up after He was put to death, He was already believed by many to be a God." Now these accounts, we are told, were never published for general perusal, but were deposited among the Archives of the Empire at Rome, where they served as a fund of information for historians, and where they could be consulted just as we consult records in the Courthouse.

And so we find that long before the time of Eusebius, the primitive Christians, in their disputes with the Gentiles, appealed to these Acts of Pilate, as to testimony of the highest and weightiest character. Thus it was that Justin Martyr, in the first book he wrote in defense of Christianity, and which he presented to the Emperor, Antonius Pius, and the Senate of Rome, in the year 138, having mentioned the crucifixion of Jesus and some of its attendant circumstances, has this to say: "And that these things were so done you may know from the 'Acts of Pontius Pilate'." And later on, in the same book having noticed some of our Lord's miracles, such as healing diseases and raising the dead, he adds: "And that these things were done by Him, you may know from the Acts made in the time of Pontius Pilate."

And the learned Tertullian, in a book written in defense of Christianity, in the year 200, after speaking of the Savior's crucifixion and resurrection, and his appearance to his disciples, and his ascension into heaven in the sight of the same disciples, who were ordained by him to publish the Gospel over all the world, thus proceeds: "Of all these things relating to Christ, Pilate himself, in his conscience already a Christian, sent an account to Tiberius, then Emperor." And the same writer, in the same book, then relates

the proceedings of Tiberius on receiving this information, in this language: "There was an ancient decree that no one should be received for a Deity unless he was first approved by the Senate. Tiberius, in whose time the Christian name had its rise, having received from Palestine in Syria an account of such things, as manifested the truth of his (Christ's) divinity, proposed to the Senate that he should be enrolled among the Roman Gods, and gave his own prerogative vote in favor of the motion. But the Senate (without whose consent no deification could take place) rejected it, because the Emperor himself had declined the same honor. Nevertheless, the Emperor persisted in his opinion and threatened punishment to the accusers of the Christians."

And then Tertullian makes a remarkable statement in corroboration of the Gospel Writers with respect to one incident occurring at the crucifixion, in these words: "At the moment of Christ's death, the light departed from the sun, and the land was darkened at noonday; which wonder is related in your own Annals, and is preserved in your archives to this day." What Annals were preserved in the Archives of Rome in the year 200 when Tertullian was writing these words? The report of Pilate, of course, and the inevitable and irresistible inference is that both he and Justin Martyr saw the original among the records at Rome, just as we may see and consult a record in the Courthouse today.

Now, I have given you the testimony of four Jewish and four Pagan witnesses, including Pilate. This testimony begins with the crucifixion itself and extends over a period of only eighty-three years, and while the facts were still fresh within the memory of countless thousands of living men. All these witnesses were unbelievers, respecting the divinity of Christ; but all admit that there was a man called Jesus, or Christ, who lived in Judea; that he was the author of Christianity, and Josephus the Jew and Tacitus the Roman say that He suffered death by crucifixion by the order of Pontius Pilate, the Roman Governor of Palestine, and Pilate admits that they told the truth!

The testimony of all of these witnesses is what the law terms admissions; and an admission in law is the acknowledgment of the existence of a fact, of which the admission itself constitutes evidence in the sense that it dispenses with proof of the fact embraced in the admission.

And our Supreme Court has held in *Helms v. Green*, 105 N. C., at page 262, that in trials all allegations of fact, admitted or not denied, require no proof, and have the force and affect of a finding or verdict of a jury.

But the report of Pilate is more than an admission. It is a confession; and a confession, in law, is the voluntary declaration made by a person who has committed a crime to another, acknowledging his agency or participation in the crime.

And Pilate, in his report to Tiberius, confesses that after the Jewish Sanhedrin had convicted Jesus of blasphemy on false and perjured testimony, and after he had acquitted Him of the charge of treason preferred in the Roman Court, because he could find in Him no fault at all, he surrendered Him, unaided and unfriended, to the enkindled vengeance of a howling, murderous mob, and thereby became an accessory before the fact, and therefore a principal in the second degree in the crime of murder.

And Mr. Chief Justice Stacy, of our own Supreme Court, in *State v. Livingston*, 200 N. C., at page 810, tells us that a confession is deserving of the highest credit, because it is presumed to flow from the strongest sense of guilt, and is the highest evidence of truth, even in cases affecting human life.

I now call your attention to a form of proof furnished by the silence of witnesses. It oftentime happens in trials that the silence of your adversary speaks in louder tones in support of your cause than any amount of proof you may offer, because it is a rule of law that if you can prove your adversary to be in possession of facts material to the issue, which he withholds from the jury, the law presumes that such facts are against him and that they would support the proposition you are seeking to establish.

Such a presumption arises from the statement of Paul when he said: "For I delivered unto you first of all that which I also received, how that Christ died for our sins according to the Scriptures; and that He was buried, and that He rose again the third day according to the Scripture; and that He was seen of Cephas, then of the twelve; and after that He was seen of above five hundred brethren at once, of whom the greater part remain unto this present, but some are fallen asleep. And after that He was seen of James; and then of all the Apostles, and last of all He was seen of me also, as one born out of due time." This statement of Paul was written in the year 57, only twenty-four years after the crucifixion, and before



any of the Gospels was written, and its authenticity, as it appears in his first letter to the Corinthians, has never been questioned by even the most disdainful or suspicious of the skeptics; and there is no record that the truth of this statement was ever disputed or denied by any unbeliever within the lifetime of any of the five hundred witnesses to whom Paul referred, except the record made by the Gospel Writers themselves.

And upon this great question, fraught with such tremendous consequences to the human race, it is a fact of the most transcendent importance that of all the investigations and researches and discoveries of travelers and scholars and men of letters, not a vestige of antiquity, nor a book, nor a letter, nor a scrap of account, nor even the scratch of a pen have ever been found which impeach the credibility of the witnesses I have introduced in this argument, or which dispute or contradict the awful facts they relate, until the year 178 when Celsus, a Greek scholar, wrote a book in which he challenged the divine origin of Christianity; and even he admits the fact of Christ but denies his divinity.

And so, these witnesses stand unimpeached and unimpeachable; for it is likewise a rule of law, as declared in *State v. Jones*, 77 N. C., at page 510, that the law presumes, and the jury should presume, that an uncontradicted witness speaks truly rather than falsely; and it is also a maxim of Equity, applied in the law of estoppel, that he who remains silent when duty requires him to speak will be debarred from speaking when justice requires him to remain silent.

If, then, for one hundred and seventy-eight years there is no record of any evidence in contradiction of this voluminous proof, to which a host of other witnesses might be added—when thousands of men then living in that educated and enlightened age must have had first-hand knowledge of the facts related by the witnesses—by what rule of law, or logic or justice, after the flight of nineteen centuries, ought the Atheist now to be heard in his effort to close to mankind the door of hope, when every day, either consciously or unconsciously, willingly or unwillingly, he acknowledges (for example) this is the year of our Lord, 1941?

Then hear me when I say that the jury of the world and of the ages has long ago rendered its solemn and final verdict that, whether human or Divine, the Son of Man was the grandest Personage that ever graced the mighty tide of time; and I assert

that as well might mortal man stretch forth his puny arm toward the sky and seek to quench its eternal fires, as to attempt to dim or destroy the figure of the Son of Man, as he stands in the supernal splendor of his majesty and glory on the pages of authentic history.

Now, is Jesus the divine Son of God and the Savior of the World? On this question depends the entire structure of Christianity, and without which it would long ago have crumbled in ruins and been swept away.

The Atheist, the Agnostic, and the Skeptic, although many of them admit that there was and is a Great First Cause—an Almighty Ruler of the Universe—and although many of them admit that Jesus of Nazareth was in fact an historic character, yet they claim that nothing miraculous ever took place in his career, that He was not Divine, and never wrought a miracle, because a miracle would involve a suspension of natural law or some interference with Nature's laws. I reply that miracles, such as the wonders wrought by Christ, are acts of God, and belief in miracle is simply the statement of the position that if there is a living God, He must reveal Himself to the understanding of men by definite acts. Belief in miracle, therefore, and belief in God, are one and the same thing, and it is inconsistent and inconceivable to accept the one and deny the other. And I reply further that the power to create implies the power to destroy, and if the power to create implies the power to destroy, it follows as the night follows the day that the power to create implies the power to modify or to suspend. Is not thought—human thought,—controlled and governed by natural law, and is not thought completely suspended while we sleep and completely restored when we awake? Then why should men and women doubt or question the miracles of Christ, wrought nineteen centuries ago, when countless miracles, as difficult of human comprehension, are happening every hour of every day before our very eyes?

Is not the birth of every little child as great a wonder, as much a miracle, as if it sprang full-grown, like Minerva, from the brow of Olympian Jove? Is it any more wonderful that the sun, at the behest of Joshua, stood still upon Gibeon, or the moon over the Valley of Ajalon, than that the great world should spin in space forever, and bring the nights and the mornings and the seed-time and the harvest?

When the storm is high and furious, why does it not continue to rage, and when the winds are calm and still, what is it that arouses the storm? Did He not Himself tell us that "the wind bloweth where it listeth, and we know not whence it cometh nor whither it goeth?"

If the great Architect of the Universe could in the creative period make the heavens and the earth and the oceans, and with his Almighty hand whirl them into space; if by the exercise of his mighty will He could separate the light from the darkness, and control the ebb and flow of the tides of the sea; if He could coundfound Chaos with Order and lay the foundations of the Universe deep from the Night of Nothingness, and uprear its mighty columns towering into empty space, and wreath them with constellations of stellar worlds; if He could carpet Creation's Temples with emerald, crown them with the empurpled hills, roof them with azure, and light them up with ten thousand suns, and spin planets along their orbits and force comets to kindle their fires upon the black altars of the night,—could He not as easily, through the Person of his Son, walk upon the crested waves, and bid "peace, be still" to the troubled waters of Galilee, and calm the raging fury of the tempest?

A grain of corn planted in the soil will within a few months increase a hundredfold. A few repetitions of the process will produce grain sufficient to meet the needs of entire communities. Then should I deny that the Son of God multiplied a few loaves and fishes, so that five thousand had plenty and to spare, when I know that the same mysterious power which causes the sun to shine, and the rains to descend, and the seasons to come and go, likewise causes the seeds scattered over the face of the fields to germinate and grow and ripen into a plenteous harvest to feed the countless millions of the world?

You may take your garden hoe and dig a little grave and bury in it a little brown grape seed. Soon tender-hearted April comes and weeps and smiles over it in alternate shower and sunshine, and then bids it come forth, when lo, it rises from its bursting tomb, transfigured into a plant of living green. The plant soon develops into a vine which sends forth white blossoms, followed by bunches of green grapes, which, after a little while, turn into rich purple clusters of ripened fruit, containing 90 per cent of water and ten per cent of sugar. Now here is a mystery that baffles the scientists; here is a miracle that staggers the Atheist. But, after all, what is



nature but mystery, and what are its processes but miracles daily enacted in our very presence? I know and you know that there is a poetry in the fragrance of flowers that cannot be born of words; that there are pearls that cannot be strung upon the thread of language; and that there are enchantments that steal away our fancies on scented wings. Did you ever breathe the perfume of lilies without listening for the rustle of wings, or smell the sweet odor of violets without straining your ears for the melody of soft music? Did you ever catch a breath of the wild grape's bloom in the woodland or shady cove without feeling the magic spell of mystery and of miracle? But to go back to the grapes. The harvester comes and gathers the grapes and places them in the wine press where, by some mysterious process of nature which I do not pretend to be able to understand, fermentation takes place, and straightway water is converted into wine. And in this instance there is no more of human intervention than when at the Wedding Feast in Cana of Galilee in the long ago, the Son of Man converted into wine the water which the maids had just carried from the well.

What is human life but miracle? What, if not miracle, is that mysterious spark which, as long as it is within us, gives us life, but which, when lost, is followed immediately by the mystery and majesty of death?

In olden times Praxitelles, the greatest of the old Grecian Sculptors, chiselled from the marble a perfect image of the Goddess, Aphrodite, which the universal voice of antiquity acclaimed the finest statue in the world. And Michael Angelo, the greatest of the Italian sculptors, carved from the marble so perfect an image of the beautiful young David that his contemporaries everywhere named him the Man of Destiny in the World of Art. But when they had placed upon their creations the last touches of their skill and genius, they were nothing but cold, heartless, lifeless, soul-less marble still; but the great Divine Sculptor, who hung the midnight heavens with garlands of glittering gold and painted the rings of Saturn; who left his Eternal Throne, star-gemmed, canopied with clouds of incense which forever float above the bright effulgence of the solar systems and through which rolls the eternal melody of the spheres, came down to earth and, making himself the model, fashioned an image out of the cold, dead clay and called it man. And when He had finished his creation He looked upon his handiwork and pronounced it good, but not good enough; and then, marshalling all

of his power and all of his might and all of his wisdom, He created another being who, in face and form and beauty, was far superior to his first creation, man; and this second being He called woman, because she came after man; and then He breathed on his masterpieces, and magnificent manhood and glorious womanhood became living souls. Then if the Hand of Almighty Power can create human life, and endow it with feeling and mind and soul, and can provide the motive power which drives that throbbing engine, the human heart, with ceaseless, tireless stroke, sending the crimson streams of life bounding and circling through every artery and every vein, should I any longer wonder or doubt that the Son of God spoke at the grave of Lazarus and that at his command the dead stepped forth living from the grim embrace of the tomb?

And now, on the question of his Divinity, I introduce the testimony of the Savior himself.

We are told that while John the Baptist was suffering in Herod's prison, longing to be assured by Him who spake as never man spake, he sent two of his disciples to inquire whether He was really the Messiah, or whether they should look for another, and the Scripture tells us that "in that same hour He cured many of their infirmities and plagues, and of evil spirits, and unto them that were blind He gave sight." "Then Jesus answering said unto them, go your way, and tell John what things ye have seen and heard; how that the blind see, the lame walk, the lepers are cleansed, the deaf hear, the dead are raised, to the poor the Gospel is preached."

He announced the same great fact when He said: "I am the resurrection and the life! he that believeth in me, though he were dead yet shall he live, and whosoever liveth and believeth in me shall never die."

He spoke often and explicitly on this subject and to various persons. To the Samaritan woman at Jacob's well; to Peter and his other disciples at Caesarea Philippi; to the blind man whose sight He restored at the Pool of Siloam; at the Feast of the Dedication; at the Feast of the Tabernacles; and repeatedly, at other times and places and to other persons, He announced Himself the Christ and in proof pointed to his works.

He announced his Divinity again when He said: "Let not your hearts be troubled; ye believe in God, believe also in me. In my

Father's house are many mansions. If it were not so I would have told you. I go to prepare a place for you."

Not a day seems to have passed during his ministry on earth that He did not boldly and distinctly testify to the same great and sublime fact. He declared indeed, as recorded by John, that He was One that bore witness of Himself.

And when, for the last time, He drew near the Garden of Gethsemane, with the shadow of death falling darkly and rapidly around Him, with not the semblance of human power in his hands to resist even the midnight mob making their way by torchlight to seize his sacred Person, He calmly comforted his disciples with words of infinite tenderness and love; and then, in the high, exultant tone of the conqueror, He exclaimed: "I have overcome the world."

And who is willing to rise here, or elsewhere throughout the broad earth, and dare to undertake to impeach the veracity or doubt the Deity of Him who delivered the matchless Sermon on the Mount? Who would have the temerity to stand up and aver that the Lord's Prayer was uttered by lips polluted with perjury and steeped in false pretenses?

Is there a lawyer on earth so lacking in ability, or so ill-versed in trial tactics, that he would be willing to raise such an issue in Court in the trial of a cause, and there have the brazen effrontery to attempt to prove that the character of the Son of God for truth is not good? That his testimony in regard to his Divinity is unworthy of belief? Ah, no; the Divinity of Jesus of Nazareth, proven as it is by Jew and Pagan—unbelievers of the First Century—and Christian witnesses of the same age; eye witnesses and ear-witnesses of this all-important truth, as well as by the Christian experiences of the countless millions since, is the only solution of Man's most transcendent problem, the immortality and destiny of the human soul. "If a man die shall he live again?" Is there a life beyond the grave? Oh, yes, it must be true that there is a place somewhere beyond this "vale of tears" where Life, and Light, and Love, will forever be blended into One; some place where father, mother, brother, sister, husband, wife, and child and all the noble, precious things which the human heart holds dear will be reunited and em-paradised in one perfect Life in the loving bosom of a just and merciful God!

Our Supreme Court has said, in the case of *Perry v. Insurance Company*, 137 N. C., 404, that a jury is not justified in finding



any fact unless the evidence is sufficient to satisfy their minds of its truth, or creates in their minds a belief that the fact alleged is true.

Now evidence, as applied in law and logic, includes all the legal means by which any legitimate matter of fact, the truth of which is submitted to investigation, is established or disproved.

We believe evidence or refuse to believe it in proportion as we have or do not have faith in its credibility and trustworthiness. Paul tells us that "Faith is the substance of things hoped for, the evidence of things not seen;" but in all the practical affairs of life faith is the assent of the mind to what is stated or asserted by another; it is trust or confidence in the veracity of another; firm and earnest belief in the assertions or propositions of another on the ground of the manifest truth of that which he utters; and faith in evidence generates belief.

Belief is the acceptance of something as true that is not known to be true; it is a conviction of the truth of a proposition, existing in the mind, and induced by persuasion, proof, or argument addressed to the judgment.

Proof is the result of evidence; and a fact is said to be proved when the Court or jury or other person whose duty it is to decide, believe in its existence, or regard its existence so probable that a man of ordinary prudence ought, under the circumstances of a particular case, to act upon the belief or supposition that it does exist.

If, therefore, faith in evidence generates belief, and evidence results in proof, then independent of religious or emotional belief, however beautiful that may be, reason, plain, cool, dispassionate reason alone, based upon the overwhelming and uncontradicted evidence which I have introduced in this argument, irresistibly draws our minds to the conclusion that the mighty Nazarene was and is the Messiah whose coming the prophets of olden times had foretold for centuries; and if Jesus be accepted as the Savior; if He be accepted as a Being Divine, an inhabitant of two worlds, coming from the realms of eternity to the realms of time, triumphing over death, robbing the grave of its victory, and returning whence He came, then we likewise have absolute proof, without doubt, denial, dispute or discussion, that an eternal world exists, and in it immortal life; "for God so loved the world that He gave his only begotten Son, that whosoever believeth in Him should

not perish, but have everlasting life." Then, my friends, behold Him, as He sits upon the Throne of the Universe, crowned with the glittering stars of heaven, the world the footstool beneath his feet; as the day approaches when all nations, assembled, will gladly do Him homage, while the gods and goddesses of the voiceless and viewless past, and all the sects and cults and creeds of earth will confess Him, and kings and queens, if such should still exist, will cast their crowns and scepters at his feet and hail Him God!

Then, my friends, let us not desert Him. Let us, rather, go back nineteen centuries and walk with Him up the *Via Dolorosa*—the Way of Death—as he struggled beneath the weight of the Cross which they compelled Him to bear. Let us stand by Him while his cruel executioners drive the nails through his hands and feet. Let us remain with Him all through the long, hot day. One of his disciples betrayed Him; another one denied Him; and all, save one, deserted Him when the darkest hour of his anguish came. They left him alone in Pilate's judgment hall. But his executioners were there; the Priests, the Pharisees, the hypocrites, all were there, mocking, reviling, insulting, and spitting upon Him; and while He hung in unutterable agony upon the cross, the Scribes and the Elders and the soldiers were likewise there mocking Him, and as they passed by, wagging their hands, some said: "He saved others, Himself He could not save. If He be the King of Israel, let Him now come down from the Cross and we will believe Him." But when His executioners were nailing to the cross his shrinking hands and feet, then and there fell from the lips of the Great Master the sublimest utterance in all the literature of all the world, the epitome of every Christian virtue and of all religious truth: "Father, forgive them, for they know not what they do." Was that the prayer of a man, think you? Ah, no! It was the prayer of a Divine Being—the prayer of a God to a God! And this proclamation from the Cross repealed the Mosaic law of hereditary sin; placed upon a personal basis responsibility for offenses against God and man, and served notice on all future generations that those who "know not what they do" may still have hope that they, too, may be spared and forgiven.

But now Nature itself seemed to wish to hide the horror of the awful spectacle. The sky suddenly grew dark. A thick cloud, dark as if it had just risen from the very marshes of hell, rose above the hills and spread to every corner of the horizon and gathered

around the sun, and finally covered it with a thick curtain of blackness—"and there was a darkness over all the world until the ninth hour." And then we are told that "the vail of the temple was rent in twain from top to bottom; and the earth did quake, and the rocks rent; and the graves were opened and many bodies of the Saints which slept arose and came out of the graves, and went into the Holy City and appeared unto many." And weeping angels clave the darkness with drooping wing; demons ran and screamed, and Sinai rocked and heaved on its foundations, while its terrific thunders sped through the shivering night—and tore through the quivering flesh of the suffering Son of God.

Three times His enemies had tried to kill Jesus. Once in Nazareth, when they took Him up on the mountain and sought to throw Him down. The second time, at the Temple when the Jews, offended by his talk laid their hands on stones to stone Him; and a third time, at the Feast of the Dedication in the winter season when they took up the stones of the street to silence Him. But at these three times He escaped, for His hour was not yet come. But now his adversaries had Him in their clutches, and the Savior of the world was dying! But as we listen we can still hear His voice feebly saying: "I thirst, I thirst." And then a Roman soldier dipped a sponge in vinegar mingled with gall and held it to the lips which but a few moments before had prayed for his forgiveness; and Jesus, when He had taken the vinegar, said: "It is finished; and He bowed his head and gave up the ghost."

And thus died a God; not as men die, but only as a God could die. And I am persuaded to believe that He did not die as the direct and proximate result of the physical wounds inflicted upon Him. He suffered deeper wounds than those caused by the nails in His hands and feet and the spear thrust in His side. The kiss of Judas struck far more deeply than the spear of the Roman Legionary, and the desertion of his friends was more cruel than the crown of thorns. Throughout his entire career on earth He had not where to lay his head; Isaiah had prophesied that He would be despised and rejected of men and that He would be a "Man of Sorrows and acquainted with grief," and I believe that the Son of Man, victim of more than his physical self could endure, died of a broken heart.

He came into the world not to destroy, but to fulfill the law, and now the law had exacted his life as the penalty for his offer to



save the world from sin. He came to save the souls of men, and now men had caused Him to suffer unspeakable anguish of the soul. He came to bring to men the Water of Life, and while He hung on the Cross, burning up with fever caused by suffering inflicted by men, men gave Him vinegar to drink. He came to bring to men the promise and assurance of eternal life, and now men had caused Him to suffer an indescribably horrible and ignominious death; and now "It is finished." What was it that was finished? A plan of salvation was finished. A plan providing for the redemption of the souls of men was finished. The full price had been paid and the sublime sacrifice had been made; "for greater love hath no man than this, that a man lay down his life for his friends". But now, "It is finished." And the winds caught up the glorious words and murmured them along the glens and whispered them among the rocks, and sang them through the trees and sounded them in the caves, and trumpeted them in the hurricane and thundered them in the storm—till every rippling wave and foaming surge, every hill and mountain peak, every continent and all the islands of the sea shouted them to other spheres; and the glad tidings sped from World to World, from Star to Star, and from Sun to Sun, until at last the Angel Hosts in Chorus pealed them across the air of Heaven into the glad ear of enraptured Deity—"It is finished! It is finished!"

## CHAPTER VII.

### THE IDEAL LAWYER.

*To everything there is a season, and a time for every purpose under the heaven . . . a time to keep silence and a time to speak.*

ECCLESIASTES 3: 1, 7.

The following speech was delivered at the Annual Meeting of the Thirteenth District Bar Association at Wadesboro, September 21, 1940.

Mr. President, and Brethren of the Thirteenth District Bar Association:

I deeply appreciate the honor conferred by the invitation to address the members of the Thirteenth District Bar Association. I have been frequently called upon to address meetings of the lawyers in the several counties in which I have held Courts, and for a long time it has been my purpose to prepare an address on "The Ideal Lawyer", and that shall be my theme tonight.

As a young man I studied law for about three months in a law school, or until I had passed my examinations on the first two books of Blackstone. The remainder of the course I pursued alone, at night without an instructor. I felt in those days that the lack of college training was an insurmountable draw back; and yet, to me, it may have been a blessing in disguise, for it made clear to me that my only hope for even a modicum of success in my profession was to become an untiring student. And as the years have come and gone I have learned to appreciate the truths uttered in Emerson's greatest Essay on Compensation. I have learned that there never was a worth while truth discovered that was not the price of agony. I have learned that there never was a worth while victory won that did not cost pain and anguish. I have learned that it is a law of life, that no man has ever yet been able to accomplish anything really worth while until he has first paid the penalty of suffering or death for the triumph of his dream.

As Clerk of the Court; as Solicitor; as a practicing attorney, and as Judge of the Superior Courts, I have spent forty years of my life in the Courthouse. I have the honor to be a member of the Bars of all the States adjoining North Carolina—Virginia, Tennessee, Georgia, and South Carolina, and in these and other States it has been my privilege to have associations and contests with the ablest and the best; and in my own State my experience in that respect has been rich and extensive.

I mention these personal experiences in order to say that what I shall say to you tonight about the "Ideal Lawyer" is the result of my observation, experience and study over a period of forty years.

I am glad indeed that so many of the lawyers of your District are present here tonight. I have presided in the Courts of all the Counties in the Western Division, and have held some Courts in the Eastern Division, and I wish to say now that I have found nowhere in the State abler lawyers or finer men than those who compose the Bar of the Thirteenth District.

I shall address my remarks primarily to the younger members of your Bar, because if I shall be able to say anything that is really worth while, it is my wish that they shall profit by it. However, I am perfectly willing for you older lawyers to profit by what I shall say if you feel so inclined. You may feel like an old mountaineer up in my country who died a few years ago. His name was Boney Ridley, and his boon companion for fifty years was an old country Doctor by the name of "Snipe McCloud". They were congenial spirits, and for fifty years they had their drinks together, usually at Boney's cabin up on the side of Cowee Mountain, to the sorrow of "Aunt Polly", Boney's wife. It is told of them that on some occasion they went to Asheville together to see a show or to attend some sort of celebration. This occasion was back in the days of the open saloon, and the cocktails and the toddies flowed until at last these old friends reached the point where they could no longer recognize one another. That night Boney wobbled diagonally across the street where a man was swinging to a telephone pole. Boney got hold of the pole and said: "Mister, can you tell me if thish ish the opposhite shide of the street?" The man addressed was the old Doctor, but Boney did not know it. Neither did the Doctor know that it was Boney who addressed him, but he politely replied: "Why, no, you durned fool you, that shide over



across there ish the opposhite side." And then Boney said: "Well, shomebody ish wrong about it, for I shust now asked a durned fool on the other shide, and he shaid thish wash the apposhite side!" It is said that after the old men returned home "Uncle" Boney protracted the "Celebration" for two or three months; or at all events until he was almost dead. So "Aunt" Polly sent for the old Doctor. When he came she met him before he entered the cabin, and told him that unless something was done at once to stop Boney from drinking he could not possibly live many days longer. She told the old Doctor that Boney had unbounded faith in him, and she believed that if the Doctor would try he could frighten Boney to the extent that he would leave the liquor alone. The Doctor promised to cooperate, and when he had finished his diagnosis he told Boney that he had reached the limit; that if he ever got drunk again he was certain to lose his sight and would never again be able to see anything. The Doctor's admonition had the desired effect, and so, for a few months Boney drank nothing but water. One day however, when he had gone off down the road, "Aunt" Polly saw him coming staggering up the path with a gallon jug in each end of a sack that was hanging across his shoulder. When he came in and placed his jugs on the floor "Aunt" Polly said: "Lord have mercy, Boney; here you are drunk again! Don't you remember Doctor McCloud said that if you ever got drunk again you would lose your sight, and never see anything at all as long as you lived?" "Uncle" Boney brushed the cobwebs from his eyes, walled them around toward "Aunt" Polly, and said: "Thash all right about me never seein' anything any more, I've already seed everything that's wuth seein'!"

Or it may be that you are like the man who was suddenly stricken with total blindness and a complete loss of memory. His local physician sent him to New York to consult a noted specialist, who, after completing his diagnosis, said to the patient: "I have a remedy that will fully restore your sight, but the inevitable effect of it will be to make your other affliction permanent. On the other hand, I can administer a remedy that will completely restore your memory, so that it will be as perfect as it ever was, but the necessary effect of this medicine will be to render your sight incurable; so I suggest that you consider the matter for a few weeks so that you may decide to your own satisfaction which remedy your prefer. The patient immediately replied: "I want you to cure my eyes

and restore my sight, for I prefer by a durned sight to be able to see where I am going from now on, rather than be able to *remember some of the places where I have already been!*"

One of the very greatest needs of our State and Nation today is knowledge of the law. Every citizen of the United States should read and study and try to understand our Federal Constitution and the Constitution of his own State; and yet I know many lawyers who frankly admit that they have not looked at these venerable documents since leaving school, and even then they had no clear conception of their meaning. And yet, Learning is a kind Goddess, and she always comes to those who seek her with consecrated hearts. She gives the pauper in the wretched hut as warm a welcome as the prince in his marble palace. The statutes of our own State these lawyers have never attempted to read, much less to master them. What knowledge they possess of the statutory law and of the great, fundamental principles of the common law, they have obtained by looking at the index of a certain book on which a question has arisen, and in this way have become familiar with a few principles, but the rest has remained to them a sealed book, an unsolved problem.

How can a man expect to become an ideal lawyer until he makes himself the master of the law? And yet, any person with ordinary intelligence, with a fair knowledge of the English language, and surely one with a preliminary legal education, can, without an instructor, by studying diligently three hours each day for five years, become familiar with all the important legal principles in our Jurisprudence, and the books in which they are contained.

The latest Edition of Michie's North Carolina Code, which contains all the Public Statutes of the State, has about twenty-six hundred pages, not including the Index. A slow reader, reading three hours a day, can read every word in it in less than six weeks, and a rapid reader can become familiar with it in much less time.

Corpus Juris contains seventy-one volumes of about one thousand pages each. These pages include the whole body of the common law, as declared by the Courts; and by reading three hours a day an average reader can read the entire seventy-one volumes in less than two years. Then add to this reading McIntosh on North Carolina Procedure, a book of less than twelve hundred pages, Philips on Code pleading, a book of less than six hundred pages, and some approved author on Evidence, thus familiarizing himself

with the fundamental principles of the law, the rules of procedure, practice, pleading and proof, and the young lawyer and the older lawyer as well, will have such foundation as every one must have who aspires to become an ideal lawyer.

The ideal lawyer is one who has so thoroughly equipped himself that he can render his client that character of sane, sound and wholesome advice that will steer him clear of the dangers and pitfalls of litigation. He is one who can dictate a contract or other document that will so clearly express the intention of the parties that interpretation will never be necessary. The ideal lawyer is one who by reason of his mastery of the simple but logical rules of pleading is able to dictate, in appropriate legal phraseology, a pleading that will clearly state a cause of action or defense, and by reason of his understanding of the rules of evidence, the principles of psychology as applied to human motive and conduct, and the plain, every-day maxims of common sense, can go into the Court-room and present his cause in such orderly and logical way that the minds of both Judge and jury will be led unerringly to a correct solution of the questions involved like unto the certainty with which the magnetic needle points to the North Star; and who even then can follow his case to the Appellate Court, and there, present the point for decision with such clearness and force that the law will be correctly decided and applied.

Where he adds to this preparation a complete mastery of the facts and the law of the cases in which he engages he will win, even though the decision may be against him, for he will have the consciousness of duty well discharged, and in most instances he will receive the plaudits and gratitude of his client.

This sort of preparation will make a resourceful lawyer, and resourcefulness is one of the greatest weapons a trial lawyer can have. There will be many times in the experience of the trial lawyer when he will be "knocked off his feet" in the Court-room, and it is then that he needs resourcefulness.

Many years ago a lawyer by the name of Todd practiced in Ashe County. On one occasion he was arguing a cause in the Supreme Court, and he was endeavoring to illustrate his argument by telling something about the "Petrified Forest" in Arizona. He called it the "*Peetrified* Forest". He said: "May it please Your Honors, when that thing happened—whatever it was that caused the forest to *peetrify* and the trees to turn into stone, a pheasant was soaring



above the forest, and when the forest *peetrified*, whatever caused that, also caused the pheasant to *peetrify*, and through all the ages since, that pheasant has been there poised in the air above the forest, *peetrified*!" At this point Judge Hoke interrupted to say: "Brother Todd, I am not so sure about the pheasant; it occurs to me that the law of gravitation would have caused the pheasant to fall down to the earth." Instantly Mr. Todd replied: "Yes, Your Honor, but they tell me that at this particular place the law of gravitation itself was *peetrified*!"

Henry G. Robertson, until he lost his health, practiced law in Macon County. He was arguing a case in the Supreme Court. He said: "My right to prevail in this appeal depends upon the establishment of either one of two propositions." He then argued the first proposition, to his own, and as he believed, to the entire satisfaction of the Court, and began to argue the second. Chief Justice Stacy interrupted Mr. Robertson to inquire: "Now, you say that beyond any question you have established your first position. If you are certain of that, and if the establishment of your first position must inevitably give you a new trial, what boots it whether you establish your second position or not?" Mr. Robertson replied: "Your Honor, it boots it a whole lot. If the Court happens to be against me on the first position, and denies me the right to establish the second, I will be 'booted' out of Court; and if I have to go out, I don't want to go out barefooted!"

Every trial lawyer has had the unpleasant experience of having to explain to his client how he happened to lose his case. Many lawyers are able to induce him to believe that his failure was due to the bias of the jury or the ignorance or prejudice of the Judge.

Shortly before I went upon the Bench I attended our Supreme Court at Raleigh. I had nine cases there on appeal and I lost eight of them. After returning home I was doing my best to explain to my client in one of the cases that I lost, and I soon realized that my explanation was not having the effect desired. But in my desperation I seized upon what I conceived to be a very brilliant idea; and so I said to him: "Now, you have no reason to feel so disappointed over this adverse decision. Yours is not the only case I lost. I lost eight of the nine cases I had at that term of the Court." He dropped his head and reflected a moment and then looked at me and said: "Well, if I was you, and got treated that way

down there, I wouldn't give them durned fellers any more of my business."

It is by no means essential that in order for one to become an ideal lawyer that he shall also be an orator. Thrice blest is he if he has this gift of the Gods; but any intelligent person by the continuous study of words may acquire a splendid vocabulary and by study and practice may become a persuasive, convincing, or even an eloquent speaker. The orator and the poet are no longer, as they were in past ages, the chief teachers of the people, furnishing to the community its governing ideas, and exercising over its mental operations an almost absolute control. The art of printing now affords to the thinker the readiest means of conveying thought, and offers to the scholar a method of acquiring knowledge far more convenient and available than any kind of oral communication. The general diffusion of intelligence, by gradually delivering man from the dominion of his passions and enthroning reason as the mistress of his actions, renders him less susceptible to sudden impulses, whether engendered by ideas suggested to him from within or from without. The wonderful energies of the newspaper and the periodical press so widely and so quickly disseminate information upon all topics of social, political, and private interest; the extension of commercial relations and the more settled condition of civil society, have made infrequent those occasions of public excitement which give to the orator a worthy theme and an eager audience. And yet it is true that every age and every State and every County has its orators to whom the learned and the illiterate pay equal honor. Every great national or State emergency finds some mind to appreciate and some tongue to express its momentous issues, and to such orators the multitude still lend willing ears, and accord the homage of obedient hearts; and when such emergencies arise the voice which warns us of the danger and urges us to action meets with a response as swift and vigorous as Athens gave to the fiery appeals of Demosthenes to wage war against Philip.

And so, for the lawyers who aspire to become advocates, as in our youth most of us do, the cultivation of the art of oratory is still absolutely necessary. Judges and jurors are but men, having the same natural indifference to what does not directly affect themselves, as other men; and whatever may be their disposition to do their exact duty, they need assistance in ascertaining what their duty is and in overcoming any prejudice or bias which may hinder

them from doing it. It is the office of the lawyer to furnish this assistance, to interest them in the questions they are to determine, to lead them step by step to the conclusion that his claims are just, and thus to compel them to award their judgment in his favor. But in presenting your cause it will be well to remember that a question or proposition accurately stated is already half decided. It will be well, too, to avoid on the one hand the "spread-eagle" style of oratory, which the North American Review defines as "a compound of exaggeration, effrontery, bombast and extravagance; mixed metaphors, meaningless platitudes, appeals to sordid sentiment, defiant threats thrown at the world, and irreverent appeals flung at the Almighty."

And on the other hand it will be well to avoid the extreme described by the poet in these words:

"Satan came up to the earth one day,  
And into a Courthouse took his way,  
Just as a lawyer with very grave face  
Commenced to argue the points in a case.

Now, a lawyer his Majesty never had seen,  
For to his dominions none had ever been;  
'Tis the fault of my agents his Majesty thought,  
That none of these Lawyers have ever been caught.  
And so for his own pleasure he felt a desire  
To come to the earth and the reason inquire.

Now, when the first lawyer had come to a close,  
The counsel opposing him fearlessly rose,  
And heaped such abuse on the head of the first  
That he made him a villain, of all men the worst.

Each claimed that he was right and the other was wrong,  
And they sparred and contended and argued so long,  
That, concluding he'd heard enough of the fuss,  
'Old Nick' turned away and soliloquized thus:

They have puzzled the Judge with their endless cavil;  
And I'm free to confess they have puzzled the Devil;  
My agents were right; let the lawyers alone,  
If I had them they would argue me out of my throne."



Sometimes my lawyers speak so long and so loud that I am tempted to repeat the prayer of an old colored man up in my country. He had gone across the mountain into another community to visit some of his people. As he returned night overtook him. A severe electrical storm had arisen in the meantime, and the old man was trying to follow a dim path by the lightning flashes. Finally he lost the path and he decided to pray. Just as he got to his knees a bolt of lightning struck and shivered into splinters a large tree that stood near by. As the echo of the thunder rolled away through the gorges, in this manner the old darky prayed: "Oh, Lawd, I 'spec' you alls knows what you is doin'. I 'spec' you alls knows more bettah how to manage a thunder storm dan I does; but Lawd if its all de same to you alls I do wish you alls would give us a little mo' *light* and not quite so much *racket*!"

My ideal lawyer is one who never resorts to sordid and impassioned appeals to passion, or prejudice, or hate; but, recognizing that the jury is often composed of men who are unlearned, inexperienced and impulsive, who may be swayed by sallies of wit or stampeded by furious denunciations and onslaughts of the trained lawyer, will undertake to lift them from the thralldom of all improper feeling, so that they may with unclouded minds find the truth, and with unfettered wills pursue it and reflect it in their verdicts.

Of course, there are more ways than one to win a law suit. Don Witherspoon, a prominent lawyer of Murphy, tells this story: He was appearing in some cases in Clay County. On Saturday before the Court convened he went up to Hayesville to confer with his clients. He met one on the street, and asked him if his case would be ready for trial the next week. His client replied: "Well, I am not quite ready yet, but I will be. I've had all my witnesses subpoenaed, and *I've talked with all the jurors but two!*"

There are two very important truths that should always be remembered in connection with the trial of causes. First, the ideal lawyer will always depend on his own preparation and not upon the assumption that his adversary is unprepared; and second, he will never assume that the Court will know all about the law of the case. It is true that we have a maxim coming down to us from the Roman law to the effect that "all men are presumed to know the law;" but since I have been on the Bench I have become convinced that this maxim was never intended to be applied to Judges. If it

applies to me it is what the law designates a "violent presumption".

And let me say here that I have seen more cases lost by the unnecessary and the unwise cross-examination of witnesses than by all other causes combined. Many lawyers seem to think that it is imperative that they shall ask at least as many questions on cross-examination as the opposing counsel ask on the direct. The wise lawyer fears a cross-examination. If the witness is intelligent the cross-examination serves but to give him the opportunity to reinforce and make stronger his previous testimony. Sometimes a smart witness will so completely "turn the tables" on the lawyer that the jury will feel inclined to decide in favor of the witness, though the weight of the evidence may be the other way.

One of our Solicitors was trying a negro for assaulting another with a rock. He forgot to prove by the prosecuting witness the size and weight of the rock. When the defendant went on the stand the Solicitor sought to prove that fact by him. The Solicitor asked him: "Jim, how big was that rock you hit this negro with?" Jim replied: "Well, suh, I don't know suh." "Well, was it as big as my fist?" Jim replied: "Yassah, it was bigger dan dat." The Solicitor then inquired: "Well, was it as big as both of my fists?" The witness answered: "Yassah, it was bigger dan dat." Then the Solicitor next asked: "Was it as big as my head?" The defendant at once replied: "Yassah, I 'spec' it was dat big, but 'twant dat *thick* do'."

Frank Ray, who was for more than a generation a leading lawyer of Macon County, and who served about forty years in the Legislature, was defending a man for a serious misdemeanor. The place was reached in the trial when it became very essential that the defendant's character be proved good, if possible. His client told Mr. Ray that old man Aleck Munday, a prominent citizen of the Aquone section, was in the Court-room, and Mr. Ray called Mr. Munday to the witness stand without first asking him what he would say. Mr. Ray asked him: "Do you know the general character of this defendant?" Mr. Munday replied that he did know it. "What is it?" Mr. Ray inquired. "It is mighty bad", Mr. Munday replied. Then Mr. Ray told the witness that he thought he must have misunderstood him. He then said to the witness: "The question I asked was, is the character of the defendant good or bad?" "And I said it was bad", Mr. Munday repeated. "Why do you say

his character is bad?" Mr. Ray demanded to know. Mr. Munday answered: "I say it is bad, *because he makes a sorry grade of liquor and sells it high!*"

Our own Supreme Court, both in ancient and modern times, has reversed itself in numerous cases; and even the great Supreme Court of the United States within recent years, in two separate cases, involving great, fundamental, constitutional questions, has completely reversed itself, declaring that the decisions in the cases reversed did not constitute the law of the land.

Sometimes our Supreme Court reverses my decisions, and I believe I have found their reason for so doing. Of course, usually, the trial Judge has to make his decisions during the progress of the trial; but when I have time to study a case, I try to follow the procedure which Chief Justice Bleckley of Georgia says he followed throughout his long service on the Bench. First, I *consider*; second, I *reconsider* my consideration; third, I *revise* my reconsideration; and fourth, I *scrutinize* my revision. When I reach this last stage in the procedure, I decide accordingly, confident, after I have gone to all this trouble that I have reached a correct conclusion. Then when the Supreme Court reverses me I feel that it is because I failed to *revise* my *scrutiny*!

The late Ben Posey of Cherokee County, was a noted lawyer of the mountains. He was the greatest criminal lawyer and one of the wittiest men I have ever known. After obtaining his license he did not attend a session of the Supreme Court until thirty years later he argued a case there and lost it. The next term he was there on an appeal in some case that had been nonsuited in the Court below on the ground that the evidence was not sufficient to establish the contract sued on. When Brother Posey arose to argue his case he read from Clark on Contracts, one of the Horn-Book Series, the definition of a contract, the definition of consideration, mutual assent, and so on, and finally Chief Justice Clark said: "Brother Posey, it is not necessary for you to read to us these elementary definitions; you ought to assume that this Court knows some law;" and Mr. Posey instantly replied: "Well, at the last Term I argued a case on that assumption before you fellers and I lost my case, too." When Marshall Bell, of Murphy, was a young lawyer, he was employed by a man to take the necessary steps to remove clouds from certain of his titles. Upon investigation Mr. Bell found that one tract within his client's boundary had been conveyed for a



church site by an old lady by the name of S. D. Anderson (Book 8-33, page 354), and the deed conveying the land was made from her to the Almighty. Mr. Bell was young and inexperienced at that time, and he was very much at sea as to how he could obtain service in his action to remove this particular cloud, and so he sought advice from Mr. Posey as to the procedure he should follow. Said Mr. Posey: "Why that is easy. Have the Clerk issue a summons, making your client the plaintiff and the grantee in the deed the defendant. Then take your summons to the Sheriff and have him make the return: 'After due and diligent search, the defendant cannot be found in Cherokee County,' and then serve your summons by publication!"

The ideal lawyer is always honest with the Court, and it is imperative that he should be so, because the Judge must depend upon the lawyer for the information upon which he acts, and therefore the ideal lawyer will never intentionally deceive the Court, either by false testimony, or the unfair citation of authorities which have no real bearing upon the question to be decided, nor by arguments which he knows to be unsound; and if he succeeds in his deception he not only debases his own mind, but pollutes the very fountain head of justice itself.

The ideal lawyer, whether in the Court of a Justice of the Peace, or in the Nation's highest tribunal is one who makes the greatest show of good faith in behalf of himself and client; who never advocates a proposition which he believes to be unsound; who never undertakes to maintain or defend a position that he knows to be untenable, and who never seeks to induce the Court to render a false or erroneous judgment. If it is wrong for a plaintiff to try to collect a fraudulent claim, it is wrong for a defendant to present a spurious defense; if it is wrong for the parties themselves to seek to defraud each other and resort to the Court for that purpose it is equally wrong for a lawyer to aid either of them in such attempt.

After continuous service on the Bench for more than eight years; after presiding in the Courts of fifty Counties in the State, and in many of them on numerous occasions; and after having more than a thousand lawyers to appear before me in these Courts, I can truthfully say that I have been deceived by but two lawyers. In one instance I think it was intentional and deliberate, and in the other case I prefer to believe that the deception was due to the

inadvertence and misunderstanding of the lawyer involved. What higher compliment than this could I pay to the nine hundred and ninety-nine who did not deceive? What higher tribute could be paid to intellectual honesty?

The ideal lawyer is always honest with his opponent. This does not mean that he should disclose to him the sources of his strength; it does not mean that he should bedeck his path with roses; but it does mean that he must be courteous and respectful, for courtesy is the essence of the Golden Rule—the hand-maiden of Love; it does mean that "his word must be as good as his bond"; for this begets confidence; and it does mean that he ought not to regard a lawsuit as a dog-fight governed by no rules which either party is bound to respect; for no kind of combat between civilized persons is without some rules which neither party can transgress without disgrace; and a lawsuit is but a legal battle; but it is a battle for justice, and whoever takes part in it should do so because he loves justice and is willing to see justice go to whom justice is due.

The ideal lawyer recognizes no mistress but the truth, and at her shrine he must ever worship with sincere and unswerving devotion. He will recognize that the highest aim of every legal contest is the ascertainment and establishment of the truth in exact accordance with the facts and the law of the case; that somewhere within the facts of every case the truth abides, and that wherever truth abides, there justice, robed in her garb of law, tips the scales. So truth is the idol before which the ideal lawyer must devotedly kneel.

Many years ago I read that peculiar romance to which its author H. Rider Haggard had given the still stranger name of "She". Those of you who may have read this story will remember the eloquent and beautiful word picture of the ruins of the ancient city of Kor or Thor, I believe it was; but you will recall especially the indescribably beautiful pen-picture of the crumbling Temple of Truth. Within the Court stood a statue of the Goddess of Truth whose worshippers had once filled that waste with their hurrying foot-steps, and whose voices had once echoed through that silence with the sounds of devotion. Upon a pedestal stood a magnificent marble globe, and upon that globe was poised a sculptor's dream of womanly beauty. There it stood, sublime in its solitude, divine amid the desolation surrounding it, its hands uplifted in supplication and a veil over its face hiding its features from the gaze of men; and thus it had stood for ages—Truth beseeching the world to lift her

veil. In that symbol I see a profound lesson that may be of value to all of us. The ruins of the desolated city may lie in broken and scattered fragments about the statue of the Goddess and the very Courts once peopled by her votaries may give place to the dust and ruin of the ages, but Truth herself is imperishable, surviving every mutation and every change; and though her prayer may be slighted, and her supplication remain unanswered, and her veil never lifted; though men may live and men may die until the world shall go back to the Night of Nothingness from which it was formed, the Eternal Truth will live on and on through the coming centuries to survive the crash of matter and the wreck of worlds.

But my friends, no man will ever reach the goal of the ideal lawyer by floating with the tide or by following the course of least resistance. How many of us have felt the thrill of ambition's call and yet were unwilling to struggle upward along the steep and thorny path and clamber across the boulders that beset the way?

Sometime ago I read an essay written by a nine year old boy on that subject of absorbing interest, "The Goose", and thus he wrote: "A goose is a web-footed fowl. It is composed mostly of fuss and feathers. But all web-footed fowls are not geese. Some geese are ganders. All geese, when they are first hatched, are goslings. A gosling is a young goose. But when a gosling grows up into a goose, it may be a gander. But if a gosling is born a goose it will always be a goose. A gander don't have much to do. He don't have to lay no eggs nor set. About all a gander has to do is to strut around and quack at a goose and go in a'swimming. And if I ever grow up into a goose I hope I will be a gander!" Now that boy's ambition was all right; but I fear he was unwilling to go through the various processes necessary to develop a goose into a real gander—a leader of his flock.

In one of those last sublime and matchless sermons delivered by the Savior to his Disciples, He said to them: "Whosoever shall compel thee to go a mile, go with him twain." Now what does that mean? It means when applied to the lawyer's work that he must give full and over-flowing measure in all he does. It means that he must burn the midnight oil. It means that he must work while his client sleeps. It means that in the discharge of all professional obligations he must give all of the very best there is in him. Ah, yes, you may in a slipshod, slovenly way write a deed filled with misspelled words and inapt expressions, and technically, it may be



sufficient to pass the title to your client's home. You may prepare a complaint that will be a bad statement of a good cause of action, and jumble together in confused array a mass of allegations to which a demurrer may possibly not be sustained. You may make a casual and careless preparation for the trial of your case and try it in an unlawyer-like and haphazard way, and sometimes win; but you will never feel conscientious pride in duty thus discharged. And I tell you that whether it be in the drafting of a deed or contract or pleading; whether it be in the preparation for the trial or the trial of the case itself, no man will ever be the ideal lawyer until in the discharge of every duty he travels that second, that last, undemanded mile.

And finally, my friends, the ideal lawyer is a religious man. I do not mean, necessarily, a conventional, or orthodox, or ceremonial religion. By religion in this connection, I mean a sincere consciousness of an obligation to the management of the Universe which transcends all other ties; a belief that no man belongs entirely to himself, or has the right to do as he pleases with himself, but that conscious life is given as a sacred trust to be discharged for the benefit of each and the betterment of all. I mean that spirit of religion which regards birth and life as a call to arms in the Divine service, from which the faithful soldier will never be mustered out. No talent, however brilliant, no learning or skill, however great, will ever make a righteous lawyer, and only that religion will do it which places right above all other motives; that religion which impels us to do right for the sake of right and because it is right to do right. And it is this thought that inspires the upward glance, unscales the eye of faith, produces that inflexible courage which remains undaunted under the most trying ordeals and sees beyond the mists and clouds of doubt and chance the lustrous image of the everlasting truth and the final triumph of the eternal right.

My friends, we have here the highest type of freedom yet conceived by man and it depends for its existence upon the powerful arm of an organized government, protecting the weak against the strong, the innocent against the vicious, the simple against the crafty, and affording equal opportunities to all. Such a government must be the creature of law and depend for its existence and administration upon a competent and incorruptible Bench selected from, assisted, and sustained by a learned, progressive and patriotic Bar. Our Constitution is the stay that holds the Nation's parts in

place. Who would protect it if the lawyers desert it? An honest, learned and patriotic Judge must guard our liberties in every Court. Unless the Bar furnishes such, where can that Judge be found?

The ideal lawyer is a minister of the law, the instrument and guardian of justice. Mr. President, I am proud that I belong to a profession that is glorious in history. I rejoice that I have been permitted to spend the best years of my life in the study of a science in the adornment of which Erskine and Curran, Mansfield and Hale, Marshall and Story, Webster, Clay, Henry, Prentiss, Taft, Davis, Hughes, and a host of others of equal fame spent their lives.

It is true that the legal profession has had much to bear in the hostile criticism provoked by an unworthy class who inhabit the vestibules of her temple and lure to their meshes the unwary pilgrims who seek her shrine for the enforcement of their rights and the redress of their grievances. The artful trickery of ignoble minds has been attributed by some as an attribute of the profession of the law and its lower walks; and the pestilential brood that swarms around the base of the pedestal of honorable fame has to the casual observer sanctioned such a view. But this is all unjust. I believe that there is an atmosphere near the sun in which the spirits of true and honorable lawyers dwell. They have been the forerunners of legal liberty; they have been the hand-maidens of freedom in every age and in every clime.

In every struggle for human liberty the names of prominent lawyers appear at the top of the roll of honor. Their ashes repose in the most sacred shrines that a grateful people have erected to their honored dead. In those sublime moments when occasions have called for martyrs to the cause of truth and justice, they have ever responded, willing to sacrifice their lives for the benefit of the race. In the long line of Presidents of this Republic, that grand galaxy of statesmen, the most splendid aggregation of rulers that the earth has ever had, among the purest, wisest and most noble were those taken from the legal profession. Lawyers have been the fathers of the republic, its protectors and preservers, its heroes and martyrs, who, in the loftiest and most perilous positions of sacred trust, have won by fidelity, courage, and unselfishness a universal regard. And not only on the highest peaks of human endeavor, before the eyes of the multitude, surrounded by the plaudits of the world, has the lawyer shone with excelling lustre. Go into the damp, dismal jails

where the poor, friendless, and despised criminal shivers in the shadow of the gallows, or the electric chair, or the gas chamber, with an army of foes, who, frenzied with malice at the atrocity of the charge against him, demand his blood. It is the lawyer who lays aside his personal interests, stifles his own desires and imperils his reputation to espouse the cause of the unfortunate. Valiantly and earnestly he fights for what he considers the rights of the prisoner, and if he fights in vain he follows his client even to the place of execution and is the last on earth to bid him a sad goodbye.

Let me close with a tribute to the Ideal Lawyer written by G. C. Bonney, and which gives a complete picture painted with the words more beautiful than I can possibly use:

"A truly great lawyer is one of the highest products of civilization.

He is the master of the science of human experience.

He sells his clients the result of that experience, and is thus the merchant of wisdom.

The labors of many generations of legislators and Judges enrich his stores.

His learning is sufficient to enable him to realize the comparative littleness of all human achievements.

He has outlived the ambition of display before Courts and juries.

He loves justice, law and peace.

He has learned to bear criticism without irritation, censure without anger, and calumny without retaliation.

He has learned how surely all schemes of evil bring disaster to those who support them, and that the granite shaft of a noble reputation cannot be destroyed by the poisoned breath of slander.

A great lawyer will not do a mean thing for money.

He hates vice, and delights to stand forth a conquering champion of virtue.

The good opinions of the just are precious to his esteem, but neither the love of friends nor the fear of foes can swerve him from the path of duty.

He esteems his office as counsellor as higher than political place or scholastic distinction.

He detests unnecessary litigation, and delights in averting danger and restoring peace by wise counsel and skilfull plans.

The good works of the counsel room are sweeter to him than the glories of the forum.



He proves that honesty is the best policy, and that peace pays both lawyer and client better than controversy.

In the legal contest he will give his client the benefit of the best presentation of whatever points of fact or law may be in his power, but he will neither pervert the law nor falsify the facts to defeat an adversary.

The motto of his battle-flag is: Fidelity to the law and facts—'*Semper Fidelis.*'

If, coupled with fidelity to this spirit, the lawyer is a consistent student of the constantly changing stage-setting of the law, he cannot go far wrong."

My friends, the law itself is not a system of mercy on the one hand or of vengeance on the other. It is a system rather, which seeks to administer equal and exact justice and equal and exact justice constitutes a pair of scales which weighs out deserts rather than desires. In its administration no man is so rich or strong or powerful as to be beyond its avenging arm, while its mission as the chosen apostle of freedom has always been to succor the weak, the humble and the poor and to minister in the spirit of the great Master to those and their kind whom He blessed upon the Mount of Olives. It is to me the Star which hovered over the cradle of liberty in its infancy, the Spirit which upheld and sustained it when tempted in the Wilderness and the Power which will roll away the stone from its tomb if it shall ever again be betrayed and crucified and put to death.

Mr. President, the great growth and prosperity of our country within the last generation, but especially the chaotic condition under which it has labored in recent years, have brought forth problems fraught with greater difficulties and greater temptations than in any other period in our National history. Never was there greater need for character, foresight and unwavering zeal in supporting the ideals of our country. Never were the Bench and the Bar harnessed with greater responsibilities; and more than on armies; more than on armaments, forts and battleships, our country now depends upon the Bar. Then let me appeal to my brethren of the Bar everywhere that we raise high the standard of professional honor. Let us resist to the uttermost the efforts of those who seek to haul it down. Let us force to the rear those who seek to debase it, and strive for the attainment of justice as for a pearl beyond

price. By doing this we will serve our country best, our children and ourselves, and pay in part, at least, the debt we owe to Providence for this priceless inheritance of liberty and of law.

If we shall be true to the ideals of our profession, if we shall not falter from the right, but ever for justice raise our voices, the tree of liberty which our fathers have planted will never lose its verdure, but, nourished by the superior wisdom of coming generations will spread its branches farther and wider until all the nations of the earth shall find shelter beneath its ample boughs, and the tide of freedom, originating here shall never ebb, but pushing onward with ever increasing force, shall at last sing its murmuring anthem to the inhabitants of the remotest shores.

I close my remarks in the language of our great President, uttered by him on Monday of this week, September 16th, 1940, on the occasion of the signing of the "Conscription Bill": "May we all renew within our hearts that conception of liberty and that way of life which we have all inherited. May we all strengthen our resolve to hold high the torch of freedom in this darkening world so that our children and their children may not be robbed of their rightful inheritance."

## CHAPTER VIII.

### THE HANDWRITING ON THE WALL.

*MENE, MENE, TEKEL, UPHARSIN—Thou art weighed in the balances and art found wanting. Thy kingdom is divided, and given to the Medes and Persians.*

DANIEL, 5: 25, 27, 28.

The following speech was delivered in substance in upwards of thirty Counties in the campaign of 1932.

Ladies and Gentlemen:

I am not a candidate for any office. I am not asking any man or woman to vote for me; but at no time during the last thirty years have I ever turned a deaf ear to any appeal my party has made to me whenever and wherever it was thought that I might serve its cause. In each campaign, at my own expense, and at the sacrifice of my own time and business, to the uttermost of my humble power I have upheld the banner of the Democratic Party; and throughout whatever of life and health shall be spared to me in the future, I shall continue to fight the battles of the Democratic Party because I believe that the perpetuation of the institutions and ideals of my country depend upon the application of democratic principles and democratic policies in Government.

I have always been a democrat. I am a democrat now, and I shall continue to be a democrat because the Democratic Party stands now, as it has always stood, and as it will continue to stand, for liberty, equality, and fraternity, for all classes and conditions of men.

As the friend of liberty the Democratic Party stands for the full freedom of each and every man, bounded only by the equal freedom of every other man. As the friend of equality, it stands for the equal right of each individual, to the use and enjoyment of all natural opportunities; and the equal right of all men to all the essentials of happy and prosperous lives. As the friend of fraternity, it stands for that sympathy that links together all those who strug-



gle together in a common cause; that would live and let live; that would help as well as be helped; and that in seeking the good of all the highest good of each is found.

These are the ideals of the Democratic Party. These are the ideals for which, in season and out of season, in victory and defeat, in prosperity and adversity, the Democratic Party has steadfastly, consistently, and persistently fought from the foundation of our Government to the present hour. And I believe that in the coming election, this consistency and persistency will be rewarded with victory.

Over in Athens, Tennessee, I was introduced to a young man from Monroe County. Monroe County had always been almost solidly republican. It had been the life-long ambition of this young man to represent Monroe County in the Tennessee Legislature; and he contested for the Republican nomination eight consecutive times, but each time he was defeated. Following eight successive defeats, he became so disheartened and despondent, that he resolved to commit suicide—in four different ways all at the same time! So he went to the hardware store and bought fifteen feet of cotton rope. Next he bought a new pistol with a full round of loaded shells. He then bought a gallon can full of kerosene oil and a box of matches; and finally he bought a pint bottle of "Rough-on-Rats" in liquid form. Thus equipped he went down to the river-side and rented a boat and got into it. He then tied one end of the rope around his neck, and the other end to an overhanging limb. He then drank the entire pint of "Rough-on-Rats", saturated his clothing with the gallon of kerosene oil, struck a match and set his clothing on fire, and then pressed the muzzle of the pistol to his temple and pulled the trigger! But just as he pulled the trigger the boat lurched. This caused the bullet to miss his head, but it struck the rope and cut it in two. The severing of the rope caused the boat to turn over; and when the boat turned over the man fell out into the river; when he went under the water the fire was extinguished; and while he was under the water he got strangled, and that caused him to "throw up" the "Rough-on-Rats", and so he swam out, and went back home and ran for the Legislature on the democratic ticket, and was overwhelmingly elected! So I am going over the State on my own expenses appealing to people to support the democratic ticket because I believe that it is best for you and

yours and for me and mine that the Governments of our State and Nation be administered by the Democratic Party.

When we contrast the difference in conditions that existed under the eight years of the Democratic Party under Woodrow Wilson with the conditions that exist today, as the result of twelve years of Republican rule, it is difficult for a Democrat to understand how any one in the forthcoming election can support the Republican ticket.

When the Democratic Party came into power in 1913, there was unrest, discontent, unemployment and universal hard times; but within a year after Wilson's administration came into power conditions changed. Business revived; capital sought and found safe and profitable investment; industries of every kind sprang into existence in every community in the land; labor earned and received a just reward; for the first time in history the farmer received a fair price for his products, and on every hand the music of his happy harvest song mingled with the jingle of gold in his pockets; the white sails of our commerce floated on every sea, while field and mine and factory poured their priceless treasures into the Nation's purse, and during those eight years we added one hundred billion dollars to the wealth of the United States; and everywhere happiness and contentment walked together hand in hand.

In the meantime the World War was fought, at a cost of twenty-four billions of dollars, and in the administration of that vast sum there was not a breath of scandal nor a suggestion that one dollar of that money was misappropriated or misapplied, and when the terrific struggle was over the United States was universally heralded and recognized as the political, the financial and the moral leader of the world.

What are the conditions today, my friends, after twelve years of Republican rule?

Business is stagnated; industry is paralyzed; trade is helpless in the grasp of monopoly; foreign credits no longer exist and our commerce has been almost completely destroyed. Capital has fled to cover and refuses to come forth from its hiding places; and although the South has raised sufficient cotton to well-nigh clothe the world, fabrics mould in the market places and the song of the spindle is hushed; the wheels of industry no longer turn; where once the music of machinery in thousands of factories kept time with the heart-beats of happy and contented toilers, today their

empty smoke-stacks stand like sentinels guarding the still silence of the cheerless nights; and the darkness of poverty and misery falls in the shadow of the humble homes of the unemployed.

As the result of special legislation, enacted in the interest of the few, favoritism and centralized power are entrenched in our citadel; special privilege sits enthroned in our Nation's Capitol; graft and greed hold high carnival in the high places of our government; the beneficiaries of class legislation loll and revel in luxurious splendor in palaces whose fluted columns point to the skies, while hunger and want shiver and suffer in the lowly tenements of the poor who neither seek nor receive special privileges from government to aid them in their battle for bread.

The policy of "splendid isolation", which the last three Republican administrations have pursued and of which they proudly boast, has estranged the nations that were once our friends, and today the United States stands alone, without a friend among the Nations of the earth.

We have sufficient food raised and saved to abundantly feed our one hundred and twenty-two millions of people for more than two years, and yet well-nigh half of our people are in hunger and want. We have produced sufficient cotton and wool and leather to comfortably clothe our one hundred and twenty-two millions of people for more than three years, and yet half our people are shivering because they are not properly clothed! And today the children of the farmers in the grain-belt, too thinly clad, are shivering over fires made of wheat and corn, instead of coal, while the children of the cotton farmers of the South, living in sight of sufficient cotton to clothe the world, are starving for bread.

Our granaries and elevators and factories and warehouses are groaning under the load of an enormous surplus of agricultural and manufactured products, while thirteen million laboring men are tramping the streets of our cities in quest for work, whose families are living on charity, in a land so blessed with abundance that it is overflowing with all the things that go to make up a livelihood, and which cannot be sold because consumers have nothing with which to pay, and our foreign trade has fallen from \$9,601,000,000 under Wilson's last year to less than \$5,126,794,931.00 in 1932.

My friends, all my life, from the time I was a boy, up until Wilson's administration, I have been fed up by the Republican



orators taunting me with the Cleveland panic and the Cleveland soup-houses. Well, I admit we had a panic during Cleveland's administration, which he inherited from Harrison, and I likewise admit that we had a few soup-houses; but in those days we had plenty of fat cattle and all sorts of vegetables and other necessary ingredients, and we fed the few thousands who were then in want, good, thick, rich, and well-seasoned beef soup that was fit for a King.

How is it today? Why today, in every city in the land we have miles upon miles of bread lines, and thousands of places which our Republican leaders are pleased to call "soup-kitchens"! And instead of feeding the millions of unfortunates good, rich beef soup, such as we fed them, our Republican friends feed them a kind of pale, thin, gruel, made of bean soup! And I am told that the only seasoning they put in it is dried beef tongue, and pickled ox tails, and this upon the theory that when the millions of people whom they have impoverished drink the soup thus seasoned they will be in better position to make both ends meet!

It is said that a short time before Mr. Mellon went to England he and Hoover were passing one of these soup kitchens and two big double-fisted men were drinking this soup from bowls, and as they turned to leave Hoover said, "Mellon, I would give anything in the world if I had those men's appetites." And then one of the soup-drinkers said to his friend: "Jim, did you hear that? Our homes have been foreclosed under his administration; he has taken our jobs from us, and now the durned old hog wants to take our appetites."

Following Cleveland's administration I heard the Republican orators claim that you could sell cotton seed for more under Republican rule than you could get for both the seed and the cotton when the Democrats were in power; they said you could sell the bark off a tree for more money under Republican rule than you could obtain for the whole tree under Democratic administration; they said you could get more for the hide of a cow when the Republicans were in power than you could sell the whole cow for under Democratic rule.

But those claims were hushed during Wilson's administration, because during those years of unparalleled prosperity, when every one had a job and plenty of money in his pocket, lumber and forest products brought the highest prices ever known; the price of corn

and wheat floated around above the tree-tops; the price of cattle and sheep soared above the mountain tops; "Queen Cotton" swung corners with the man in the moon, while the price of labor was so high that it shouted, "Glory hallelulah!" and sang songs with angels in the far-off milky way!

How is it today after twelve years of Republican rule? The echo of the axe in the forest and the song of the sawmill are no longer heard. Cotton and corn and wheat cannot be sold for the actual cost of production; the cattle on our ten thousand hills cannot be sold for what it costs to raise them; while the price of mutton and wool is so low that there is not a Republican leader in all this land who can stand up and look a sheep in the face!

During the entire eight years of Wilson's administration there were only 389 bank failures, State and National, in the United States, while during the last three Republican administrations there have been more than 10,000 bank failures, 8,000 of which have occurred under Hoover's administration up to the present time.

Why, my friends, so accustomed has the country become to bank failures under Republican rule that while they were holding their Convention in Chicago last June, forty-two banks failed in that City before the Republican delegates could get out of town; and when we had our Convention there some ten days later, if you had had your pockets full of liberty bonds you could not have raised enough cash with which to pay your hotel bill!

And yet, Hoover is the gentleman who promised us four years ago that if he were elected he would abolish poverty and banish the poor houses from this country; that he would put a car in every garage, and two chickens in every pot; that all of us would have a full dinner pail, and that everybody would be put in the silk stocking class.

But instead of this, since the Republicans came into power in 1921, farm values have depreciated from seventy-nine billion to thirty-two billion dollars; farm incomes have dropped from sixteen billion to seven billion dollars; while since 1926, up to the end of last June, 682,850 farms have been foreclosed, and this does not include the countless thousands of homes that have been foreclosed in every town and city in the land; and thirteen million laboring men are unemployed, and where, Oh, where are the full dinner pails and the two chickens in every pot now?

We are all like my old family dorky, who, when I asked him what he was going to have for Christmas dinner, replied: "Well, suh, iffen I had some ham, I would have ham and eggs, iffen I had some eggs."

By the same token all of us would have a full dinner pail if we had the pail and something to put in it; we would have two chickens in a pot, if we had the chickens and the pots; but instead of poverty and the poor houses vanishing under Hoover's administration, our pails and pots and contents have disappeared, while very few of us wear any stockings at all!

No man can tell where Hoover stands on any question. Senator Carter Glass has offered a reward of \$500 to any man who will find any statement made by Hoover on any public question that will not admit of more than one interpretation. He is the most two-faced man in the United States. He is so two-faced that when his friends see him on the street they can't tell whether they are meeting him or following him. With one of these faces, wreathed in hypocritical and deceptive smiles, he looks toward the farmer and laboring man and promises a remedy for all their ills; while with his other face he looks at privilege and Big Business and slyly winks. He is a past master of the art of carrying on both shoulders. He turns to the drier one shoulder on which rests a pitcher of sweet, beautiful water, brewed in the running brook and the rippling fountain, distilled in the laughing rill and the limpid cascade, sweetened with the sparkling dew-drops, and cooled by the hailstorm; while to the wet he presents his other shoulder on which rests a jug of beer from which the foam rises like the mists of the morning rising from the bosom of the lake when the sun has arisen in his resplendent glory. He has straddled every public question, but in this instance he has stretched his straddle until he stands tonight with one foot resting in the burning sands of the Equator, while he bathes his other foot in the bright effulgent light of the Aurora Borealis! He is like the man who was delivering a Fourth of July oration, and who became very patriotic and said: "My friends, we live in the greatest country on the face of the earth. It stretches from Maine's dark pines and crags of snow to where the magnolia breezes blow; it stretches from the Atlantic on the East to the Pacific on the West. It stretches—" And about that time a man about half drunk, back in the crowd, jumped up, threw his hat up in the air, and yelled: "Let her



stretch, durn her, let her stretch, Hurrah for the Democratic Party.”  
And so with Hoover.

He wiggles in and he wiggles out,  
And leaves the people all in doubt  
As to whether he is moist or wet or dry,  
Or favors corn or beer or rye.

In the South he is dry, in the West he is moist,  
In the East he is dripping wet;  
He is wet to the wets  
And dry to the dries, and yet,—

We know now that his promises of '28  
Were but a pretense and a sham,  
And like his promises about everything else  
They are not worth a damn!

My friends, during the last twelve years we have witnessed in the United States the commission of a series of crimes so revolting as to make grand larceny sound like the announcement of a gospel hymn or the statement of a golden text in a Sunday School lesson. Thieves and boot-leggers, murderers and robbers, have sat side by side in the criminal Courts with chiefs of government bureaus, a governor of a sovereign State, a member of Congress and Cabinet members who have been indicted, tried, convicted and sentenced for criminal conspiracies and crimes against their country's laws. But I believe the carnival of crime is about over now.

We are told in the Good Book that shortly after the prophet Daniel was introduced to Nebuchadnezzar, the Babylonian King, Belshazzar, his grand-son, made a royal banquet at night in his palace in Babylon, with his wives, his concubines, and a thousand of his lords and nobles. And they drank until the King became drunken with wine, and they sent for the sacred vessels of silver and gold which Nebuchadnezzar had stolen from the Temple at Jerusalem, and they used them in the idolatrous carousal to their own Gods, to the dishonor of the God of Israel. And while the revel was still going on in the wild abandonment of victorious debauchery, the fingers of a man's hand suddenly appeared over against the candle-stick and wrote on the plaster of the wall of the King's palace in

the Samaritan language the words: "Mene, Mene, Tekel, Upharsin."

The King saw the hand but he could not read the words nor interpret their meaning; and his face grew pale, his mind became disturbed; his body trembled with horror, and he cried aloud for the astrologers, and the Chaldeans, and the sooth-sayers, and promised that the one who would read the writing and interpret its meaning he would clothe with scarlet, hang a chain of gold around his neck, and make him the third ruler in his Kingdom. But they could neither read the words nor tell what they meant. And then Daniel was sent for. Inside the palace there was splendor and there was darkness without. It was the night of doom, and Night's deep wing overshadowed the walls, towers and temples of Babylon and the overhanging gardens of Nebuchadnezzar. The stars peeped out shyly and blushed, and dropped a tear of pity upon the debauched face of the lascivious Queen of the Euphrates. The mighty army of Cyrus the Great, with glittering spear and shield lay embattled just outside the City's walls. The Euphrates itself, with its mighty currents damned, was rushing around the City of Babylon, undermining its walls of solid brick and making ready entrance for the Persian Conqueror. The palace of Belshazzar was ablaze with light, but the sounds of revelry were suddenly hushed. The hand was gone, but the written words still gleamed in fiery tracery upon the wall. The wine still sparkled in the sacred vessels of the Lord's house. And there sat the cowering King upon his throne, surrounded by the bejewelled spirits of his harem, pale, tearful and trembling; and there, half rising from cushions of gold, and sobered by horror, a thousand Lords of the princely and opulent realm, quaked with fear. And there stood the lofty and imperious Daniel, glancing from the writing on the wall to the pale and fear-stricken face of the terrified King, with one hand pointing at him and the other to the writing on the wall, his voice of interpretation ringing like the trump of doom: "Mene, Mene, Tekel, Upharsin!" "Thou art weighed in the balances and art found wanting; thy kingdom is divided, and given to the Medes and Persians!" And that very night the proud Kingdom of Belshazzar ran its appointed course and was finished and divided and given to the Medes and Persians; and the King himself, too light in the unerring balances of God's retributive justice, was slain. And the beams of the next morning's sun, rising over Shinar's extensive plains glistened in the blood of

Chaldea's grandees, tinged with gold the royal banner of the conquering Cyrus and hung a bright, though melancholy sheen over the Temple of Belus, and the walls and towers and palaces of Babylon, the oldest city in the world, as well as the world's oldest Capital, and once the proud seat of Nimrod's ambitious empire, were utterly destroyed.

My friends, I believe that the corrupt and impious feast of Belshazzar is about over in this country now. The handwriting is already on the wall. And as I talk to you tonight, our matchless leader, imperious as Daniel, uplifted and cheered on by the victorious shouts of the embattled hosts of the Democratic Party, is saying to Hoover and his cohorts: "Thou art weighed in the balances and art found wanting—thy Kingdom is divided"—No, there will be no division here; we propose to take it all, the Presidency, the Senate, the House, the Governors and Legislatures of the several States—and while we are at it we will drive the last vestige of republicanism from power in this country, and let the universal reign of Democracy begin.

What we need in this country is a Thomas Jefferson to stand like Jefferson stood against the cohorts of centralized power. What we need is an Andrew Jackson, to stand like Jackson stood against the encroachment of organized and predatory wealth. What we need is a Woodrow Wilson, to stand like Wilson stood against corrupt and invisible government in Washington City.

The Democratic Party presents to the people of this Nation, as its candidate for the Presidency, a man whose character and fitness and ability will not only meet every requirement of the most exacting, but it presents to them a man who has often demonstrated that he possesses the qualities of leadership that will enable him to lift our Country from the depths to which it has been forced by the party in power, as Moses held aloft the brazen serpent in the midst of the Children of Israel for the healing of a Nation.

He does not believe with Hoover that National prosperity must originate with the special interests. He believes rather that when prosperity returns it will come through the gates of the golden harvest fields; that it will come by the turning wheels and whirling spindles; by the open furnace doors and the flaming forges, and by the smoke-stacks filled with eager fire to be greeted and grasped by the countless sons of toil. He does believe that our laws should be so written that the door of equal opportunity shall stand open



wide to the rich and the poor and the high and the low and to capital and labor alike; that our laws should be such as to bring about a fair and equitable distribution of wealth and the fruits of toil, so that all who work and practice thrift may lay aside a competence for the rainy day; so that when the shadows of life's fleeting day are falling to the eastward and the hush of evening steals upon the world, the old, the infirm, and those worn out with toil, may stop and rest, and have no need to grope through the twilight in quest of a livelihood they should have been able to harvest and garner in the noon-tide of life.

In the day of the Nation's weakness he stands as the incarnation of strength. For doubt he substitutes faith. For hesitancy he promises the leadership of constructive action. Against cowardice he marshals courage. His candor defeats hypocrisy. His optimism disarms despair; and amid the clouds of gloom which hang over our Country like a pall he points our people to the trembling Star of Hope. He is as plain and democratic as Thomas Jefferson; as fearless and courageous as Andrew Jackson; as strong and steadfast in his convictions as Grover Cleveland; as great a master of the science and practice of Government as Woodrow Wilson; as eloquent and sincere as William Jennings Bryan—and his name is Franklin D. Roosevelt, the next President of the United States.

My friends, I sat in the great National Democratic Convention at Chicago, and with the splendid men and women composing the delegations from more than forty States, it was my proud privilege to participate in the nomination of this great man for the Presidency. And when the announcement was made that he had been nominated by more than three-fourths of the Convention's votes, I saw thirty thousand loyal and enthusiastic Democrats hail him as the Man of the Hour, while twenty million more, Democrats and Progressives and forward-thinking people of other parties, acclaimed him as the uncrowned chieftain of the democratic hosts, the bitterest foe of the forces of privilege and reaction, the best friend of the common people, the hope of the "forgotten man".

Ladies and Gentlemen, in all ages of the world two principles have contended for the mastery in government. The great body of the people who work with their own hands through all the weary days of the year, and whose earnings constitute the wealth of nations, occupy one position; while the owners of idle capital, the

favorites of fortune and special legislation, who, like the lilies, toil not, and yet surpass Kings in the splendor of their habits and luxuries, occupy the other position, and invoke the powers of government to make no change—to continue forever the enchantments of their feast for which others pay.

The principle of man's equality is as old as history, but through the slow-moving centuries it has manifested itself but feebly. Its radiance glinted for a moment on the spears of Alexander's soldiers in the burning desert, when their god-like King disdainfully cast upon the sand the last cup of water which might have preserved his own life, when there was not enough for every man. Its light blazed for a while in Southern Europe when Demosthenes with matchless eloquence filled the world with the majestic music of the Grecian tongue; but Athens with her democracy and aristocracy, and Sparta torn by rival parties, engaged in perpetual struggle, and soon the light of liberty faded away in the sky and Grecian glory went down in the night of gloom and ages of darkness followed. It fluttered with awful prophecy in Caesar's victorious banners on the fateful plains of Pharsalia, when the remnants of his diminished legions, drawn from the common people, marshalled forth to shatter Pompey's mighty host, representing the wealth, the aristocracy and the reactionary power of Rome. But it sank into midnight darkness amid the bloody orgies of Nero's reign, and through the turbulent ages that followed it flickered but dimly. In Shakespeare's dramas it found matchless tongues to sing of the cruel and bloody deeds of heartless monarchs. It hallowed the lips and inspired the genius of Burke, of Chatham, and of Curran, and haloed the immortal Cromwell's head, and shone with warning above the death warrant of Charles the First. But the great Cromwell could not bequeath his spirit to those who followed him, and he passed from the earth as the first of an imperial dynasty, with every vestige of civil and religious toleration destroyed, and every evidence of free government swept from the British Empire. In Spain, ancient battle-ground of the Romans and Carthaginians, the relic of the cruel Inquisition, its light sputtered for a few short weeks, when as the result of the fiery eloquence of Emilio Castelar, he became the president of the short-lived Spanish Republic. It shone like a meteor on Hungary's fertile plains during the time that Louis Kossuth, the great Magyar chief and greatest orator of all time, campaigned the nations of the earth for sympathy for

his down-trodden country, and melted the world to tears with the pathos of his appeal. Through the weary cycle of the centuries democracy had dwelt for the most part in the heart of Man, but it suddenly leapt to his brain and became vital with method and force, when in July, 1776, Jefferson wrote into the Declaration of Independence the words: "We hold these truths to be self-evident: That all men are created equal; that they are endowed by their creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness." As the result of that declaration the American Republic arose, beautiful as the dream of Plato, magnificent as the Temple of the Gods. And for the first seventy-five years of its history, democracy ruled it, and formulated its principles and directed its destiny; but my friends, for the last twelve years the spirit of democracy had slept and the forces of reaction had ruled. And the time had come for a new declaration—for a new mile-stone to be planted in the pathway of history, when the Democratic Party met in Chicago to adopt its platform and name its candidates, in July, 1932. It was indeed an epoch-making day. It was a day fraught with the portent of mighty events. Our country had come to the parting of the ways. The time had come when if our civilization and our institutions were to survive a complete change must be made in the policies which our country had pursued for the past dozen years. The hour of destiny had struck and the hour and the man had met. At his own request the Convention remained in session for a night and day longer, and then, like the proud eagle, King of birds, which with unclouded eye flies through heaven's unfathomable depths and braves the fury of the Western hurricane and bathes his plumes in the thunder's home, and then furls his wide-stretched wings at nightfall to rest upon his mountain crag, the democratic nominee for the Presidency boarded an air-ship, and, rising like the thunder-bearer of Jove when he mounts on strong and untiring wing to sport in fearless majesty above the troubled deep, or reascending on high to play undaunted among the lightnings of heaven or soar toward the sun, and flew from Albany to Chicago, and standing there upon the platform of that great City's magnificent stadium, amid the plaudits and acclamations of an admiring multitude, he accepted at the hands of the delegates who conferred it the standard of the Democratic Party.

Yes, our candidate commenced his campaign in the sky; and he



has been flying ever since; and he will fly on and on until the night of November the 8th, when his ship will light in the front yard of the White House of our Nation's Capital.

Now, can Hoover fly? No, he can't fly. He can't even run. Up to the present time he has not traveled faster than a walk. He could hardly get his old bunged up ship to take off. And finally when he did get the old thing started,

"He heaved and sot and sot and heaved,  
And high his rudder flung;  
And every time he heaved and sot  
A mighty leak he sprung.

He couldn't tell what the trouble was  
Or when it could be remedied, or how;  
And while he pondered what to do  
The people said: 'It won't be long now'!"

No, it won't be long now, for on the fourth day of March we are going to drive him out of the Nation's White House, and send him back to China, or Borneo, or Africa, or wherever it was that he spent most of his life, and where, it is a thousand pities for the American people, that he didn't stay while he was there.

Now, my friends, when on the night of November the 8th the Spirit which guides the destiny of Nations shall from the Watch-Tower of this Republic ring out the challenge, "Watchman, what of the Night?" What shall our answer be? Shall it not be that North Carolina has been redeemed for the National Democratic ticket by 250,000 majority?

And there is Ehringhaus,—God bless him—that matchless leader of the Democracy of the East, that princely, magnificent man, whose name, I confidently believe, when the historian of the future shall come to write the history of this old Commonwealth, will appear beside the names of the immortal Vance and the peerless Aycock, and all that great galaxy of brilliant men whose lives have made North Carolina glorious and great—surely everybody will be for him.

And there is Bob Reynolds, the intrepid, invincible leader of the Mountain Democracy; what chance has Jake Newell against a man who can win a nomination over the indomitable Morrison by more

than 107,000 majority? Why, Jake Newell has no more chance to beat Bob Reynolds than a celluloid dog would have to overtake an asbestos cat in the dismal and gloomy regions of the lost!

I submit that there is no reason why every Democrat in the coming election should not give his loyal and enthusiastic support to every candidate on the Demcoratic ticket from President all the way down the line. There may have been times in the past when they would have been justified, but not now. Four years ago many of our good Democrats did not like the Democratic candidate for President on account of his position on the prohibition question. Hoover had been accused of being in favor of prohibition, and he never did deny it; and yet it is known of all men that under his administration we have had more liquor and higher liquor and meaner liquor than at any other time in our Nation's history! And then there were many of our good, honest Democrats who did not like the Democratic candidate on account of his religion. And yet, although I have engaged in every political campaign that has been waged in this State for the past thirty years, I would be willing to swear that Al Smith was the only candidate that I ever knew to be nominated on any ticket by any party who was ever accused of having any religion at all! But let that be as it may, everybody's got religion now, and with the light of triumph on our faces and a song of victory in our hearts we are marching in solid phalanx to the glorious day when republicanism and Hooverism will be driven from the high places of our government for all time to come. Then let there be no further strife in the democratic household. In union there is strength and in disunion there is always disaster. So loyalty must be our watch word in this campaign.

"American Democracy, round which our hearts entwine,  
Our heritage from Jefferson whose principles divine,  
Have shaped the Nation's destiny, shall steer our course  
aright,  
And lead us on unerringly into sublimer light.

"American Democracy, to which the Nation now  
Looks for measures of relief to ease her anxious brow,  
Should never more be handicapped by inharmonious strife,  
For peace within the party ranks means power to the life.

"American Democracy—by greed and graft despised—  
Could settle all the grievances that Republicanism has de-  
vised,  
If those in high authority would be as true and just  
As Jefferson and Wilson were to their every trust.

"American Democracy—to her hope lifts its hat—  
May no man who presumes to call himself a democrat,  
E'er put his personal desires—no matter what befall—  
Above democracy's demands, above his party's call."

From every section of this great country, from where she pillows her lovely head upon the Canadian border to where she bathes her shapely feet in the rolling surfs of the Gulf of Mexico, and from shore to shore of our enclosing seas, Republicans and Progressives and Independents by the millions are flocking to the standard of the Democratic Party. And I expect if they were asked to say why they are turning to the Democratic Party in this crisis, their answer would be substantially the same as the reasons given by the young man for returning home after he had gone out West to make his fortune and failed. He had married over the opposition of the girl's father and he had lived with the old man for about five years. He was always talking about going West to make a fortune by farming. Finally the old man gave him five hundred dollars, a good team of mules and a new wagon and told him to go. He went first to Colorado and rented a big farm and put out a big crop, but about the time his corn commenced to tassel something got wrong with the irrigation and his corn all died and he didn't make a thing. He then went to Kansas and rented another farm and put out a big crop; but about the time his corn commenced to silk one of these hot Kansas winds came along and burned up his corn and he didn't make a thing. His money was now gone and he told his wife he saw but one thing to do and that was to go back and live with her daddy like they used to do. And so they loaded up and started back. When he got back near his old home, where people knew him, of course everybody asked him his reason for coming back. He answered this question until finally he became disgusted, and he got down in the corner of the fence, picked some ripe poke-berries and made some red ink and wrote across his



wagon sheet his reasons for coming back, and these were his reasons:

"Colorado irrigation,  
Kansas winds and conflagration,  
Bill Taft's administration,  
Teddy Roosevelt's vociferation,  
Harding's corruption and vacillation,  
Coolidge's timidity in conversation,  
High tariff and taxation,  
Hoover's panic and starvation,  
Hell-fire and damnation,  
Bring me back to my wife's relation—  
And it's nobody's business but mine."

And my friends why should not the Democratic Party win in this campaign? It was under a democratic administration—that of Thomas Jefferson—that the great Louisiana Purchase was concluded, where, by the single stroke of a pen, we acquired more territory than is embraced in any of the countries of Europe, with the exception of Russia.

It was under a democratic administration—that of James K. Polk—that the war with Mexico was fought, in which we planted the flag of this Republic in the Citadel of the great Montezumas—in the Capital of the mighty Aztec Kings, and added to our territory the Republic of Texas, and the States of Arizona and New Mexico, an empire in themselves.

It was under a democratic administration—that of James Monroe—that we acquired the beautiful State of Florida, the land of unending summer and eternal sunshine and ever-blooming flowers.

Why, when our government was formed the thirteen original Colonies occupied scarcely more than a quarter of a million square miles. Now we have within our borders four million square miles, and every foot of this additional three million, seven hundred and fifty thousand square miles of territory was acquired under a democratic President when the Democratic Party was in power.

And all this vast territory—the emerald plains of the mighty North, now golden in the autumn glow, glittering with spired cities, and crowded with its busy millions; and the empire of the mighty West, with its fertile farms and fields of ripened harvests,

that now look like seas of sunset gold; and the cotton fields of the mystic South, bursting into pearly foam beneath the sensuous kiss of the autumn sun—this mighty trinity of Empires constitutes Democracy's gift to the people of the United States.

But that is not all. It was Thomas Jefferson, a Democratic President, who wrote the Declaration of Independence, the grandest declaration of human rights ever given to the world in all the mighty tide of time.

It was James Madison, a Democratic President, who wrote the Constitution of the United States, the pattern upon which the Nations of the earth in modern times have fashioned their governments.

It was James Monroe, a Democratic President, who gave to the world the great Monroe Doctrine, that has served through all the years to prevent European interference in the affairs of the Western Hemisphere.

It was a Democratic President, Woodrow Wilson, who wrote the Covenant of the League of Nations, which presented to the world for the first time in concrete form a plan looking to the lasting and permanent peace of mankind since the Angels of heaven sang to the Shepherds of Bethlehem their song of "Peace on earth, good will to men." And long years after his enemies shall have been forgotten; and a thousand years after his critics and slanderers and traducers shall have been sleeping in the "tongueless silence of the dreamless dust" the lips of little children yet unborn will continue to lisp the name of Woodrow Wilson, for he preached the gospel of the Prince of Peace and the universal Brotherhood of Man.

The Democratic Party is the oldest party in this country. It has out-lived all other parties. It saw the old Federalist party die. It engaged in many a fierce contest with the old Whig Party, but it saw the Whig Party go down to rise no more forever. It has out-lived the Greenback Party, and the Know-nothing Party, and the Populist Party. It saw the great Progressive Party spring up under the magnificent leadership of the brilliant Roosevelt, and fight through one campaign and then go down never to rise again.

And it has out-lived La Follette's party. The party that was composed of the Socialists, and the Reds and Communists, and the I. W. W.'s, and the dissatisfied and disgruntled of all other parties,

and many good people. La Follette's party, the party that had no founder and no name.

La Follette's party reminds me of the riddle which one darky propounded to another. He said: "Jim, can you tell me the difference between the Prince of Wales, a bald-headed man, a young monkey and an orphan child?" Of course he couldn't answer and the other darky replied: "Well, the Prince of Wales is an heir apparent; a bald-headed man has no hair apparent; a young monkey has a hairy parent, and an orphan child ain't got airy parent."

La Follette's party is like Uncle Remus said about the mule; it had neither the pride of ancestry nor the hope of posterity.

Yes, the Democratic Party has out-lived La Follette's party, and it will yet live to perform the last sad obsequies at the burial of the Republican Party. And when the Republican Party dies, and as the American people stand around its bier, and sing that good old familiar hymn, "Hark from the tomb a doleful sound, Mine ears attend the cry", we will erect a monument to the memory of the Republican Party as high as the Tea-Pot Dome, and on one side of that monument we will write these words:

"Here lies the G. O. P., which being interpreted, means the Great Oil Party." And on another side of that monument we will write these words:

"Tread gently round this sacred heap,  
Here the G. O. P.'s restless ashes sleep,  
Its greed for pie ne'er did forsake it,  
Don't mention oil or you'll surely wake it."

And on another side of that monument we will write these words:

"While it lived, it lived in clover,  
But when it died, it died all over."

And on the last and final side of that monument we will inscribe the same epitaph which the man who never could get along with his wife wrote on her tomb-stone when she died:

"Here lies Nellie Proctor,  
She died for the need of a Doctor;  
She wanted to stay, but she had to go,  
Praise God from whom all blessings flow."



Now, when will the Democratic Party die? The Democratic Party will never die because the principles for which it stands will never die, and the principles for which it stands will never die because they are eternally right. Its leaders may die, its rank and file may die, but its principles never. Men—mere men will rise and fall like leaves before the wind as it whirls through the forests on its way to meet the roar of the climbing waves as they rise from the sea; but the principles of the Democratic Party are as eternal and unchanging as the granite in my everlasting hills and the eternal twinkling of the stars. In every country on earth in which human beings dwell, there the spirit of democracy breathes and lives. Its spirit was born when the Morning Stars first sang Creation's hymn and heralded Creation's Dawn. Its birth was coeval with the birth of Truth and Justice, for Justice is Truth and Truth is eternal. And at last when Time shall be no more and this old world of ours shall go back to the Night of Nothingness from which it was formed, the spirit of democracy will continue to live to survive the crash of matter and the wreck of worlds.

And I think it is such a pity that Thomas A. Edison, the greatest inventor of all time had to die before completing what he himself said would be the greatest achievement of his life, and that was to establish some sort of communication between the living and the dead; because if he had succeeded in establishing some sort of radio connection between this world and the world above the sun, when the stars begin to shine on election night I would ring up William Jennings Bryan and ask him to see Woodrow Wilson and get him to hunt up Grover Cleveland, and ask Cleveland to see Andrew Jackson, and have Jackson request Thomas Jefferson to make proclamation to all the hosts of heaven that the whole face of the earth had gone democratic!

## CHAPTER IX

### A FEW RANDOM THOUGHTS FOR THE BENCH

*Ye shall do no unrighteousness in judgment; thou shalt not respect the person of the poor, nor honor the person of the mighty; but in righteousness shalt thou judge thy neighbor.*

LEVITICUS, Chapter 19: 15.

Since going upon the Bench while sitting around the hotels at night I have written, as the thoughts came to me, the following paragraphs, together with certain quotations which constitute to some extent my conceptions of the duties of a Judge. I give them here with the hope that they may be of some interest to my brethren on the Bench.

---

A Judge should possess the wisdom of a Solomon and the patience of a Job; the self-denial of a Hermit; the industry of a Honey Bee; the conscience of a Saint; and the courage of a Martyr.

---

A common error is the supposition that a Judge is called upon to discharge a function of the Almighty. The Judge is neither the Creator nor Preserver of things human or Divine. His business is to judge, to decide, to compare and determine relative to existing things. The parties furnish proof of what they claim the truth to be. He picks out the truth. They furnish evidence of what they claim the law to be. He picks out the law. If he weighs the evidence he acts as a scales. In measuring he is a yardstick. He must not add anything to the weight or quantity. His mind should be so free from prejudice that it will respond readily, like a well oiled balance. His yardstick must always be of the same length. The justice which he administers does not emanate from him. If it is legal justice the law has already determined it. If it is justice arising from the nature of things the law of nature has fixed it. Any self-interest or other bias tending to incline his mind in favor

of one party or the other unfits him for the task. It falsifies his judgment. If he mistakes his calling for that of a law-maker or substitutes his own conscience for the mandates of the law or the proofs of facts, he is a false balance, an elastic yardstick. A yardstick cannot be stretched. Two cannot be transformed into three. The size of a bushel measure cannot be increased. The purest saint and the vilest sinner weigh the same when justice tips the judicial scales.

Our government is divided into three branches—the Legislative, the Executive and the Judicial. The Legislative makes the laws; the Executive declares them and the Judicial enforces them. The proper balance between these three departments can only be maintained by each department attending strictly to its own business. When a Judge attempts to pass upon the justice of the law and modify it to suit his own notions the Legislature is put out of business. If he concludes the law is unjust and should not be enforced and so refuses to enter the judgment which the facts warrant, out of mercy for the unfortunate offender, the Executive Department is deprived of its functions. The conscience of the Judge, therefore, should find satisfaction in the discharge of his Judicial duties according to existing law. A violation of this rule would abolish government by law and substitute a judicial oligarchy. And so the Judge should be a magnet to attract the truth. He must be able to sit with the Judges of the highest Courts and extract from their opinions the very essence of the points decided, and take the places of the law writers in their offices and from their points of view get the real gist of their writings. He should have the mental grasp that can collect within its scope the statutes of the Legislature and extract from the mass the real meaning which is intended to be embodied in the law. From his place on the Bench he should explore with the telescope of a fully informed mind the current of jurisprudence, even to their fountain heads, and with the microscope of a trained and accurate judgment be able to tell exactly the nature of the question presented to him for his decision.

---

Since there is no virtue so Godlike as justice, the Judge should hear courteously, consider soberly, answer wisely, and decide impartially every question presented for his decision.

It was Lord Coke who said: "A Judge who decideth a cause without giving both sides full opportunity to be heard, although



his decision may be just, is himself, unjust,"—to which I add, that the right to be fully heard is as sacred as the right to a just decision.

---

He that answereth a matter before he heareth it, it is folly and shame unto him. Solomon's Proverbs, Chapter 18: 13.

---

That power which is of utmost importance to the Judge is the ability to suspend judgment until each party has been fully heard. This is the rarest quality of intellect possessed by man. It comes as a flower only to the wisest and best. The most difficult thing in the world for even the wisest man to do is to wait until he has heard both sides before making up his mind, and then, after reaching a conclusion to be able to change his opinion, if by the aid of new light, it ought to be changed.

---

I would rather be insulted by two lawyers than have one afraid of me, for it is easier to bear the insult than to do without the assistance of an untrammelled lawyer.

Judging is an act of the intellect. It is an application of knowledge within to information without. It is most essential, therefore, that the Judge should appreciate his dependence upon the Bar for his information, and that there is no lawyer so unlearned or inexperienced that he cannot tell the wisest Judge things about the evidence and the law of the case he is trying that the Judge does not know and is not likely to ascertain from any other source. The work of the Judge involves a multitude of perplexing problems and he needs all the assistance that an enlightened Bar can afford him in the discharge of his duties. An arbitrary, overbearing and conceited Judge can get but little aid from the lawyers he intimidates. The Judge who modestly admits his ignorance and shows an eager desire to learn, gets the greatest aid from Attorneys, parties and witnesses.

---

Courage is essential in the formation of correct decision. The Judge must have no master but the truth. At its shrine he must ever offer unswerving devotion. It is essential that he have something in his breast that money cannot buy and an unfaltering courage that fears no consequences except such as can justly come from a failure to discharge his duty. If so be, he is thus happily

equipped, by nature and by training, then calmly and gently as the dew descends he may proceed with his task, able without emotion to pit his individual thought against the clamors of the world.

---

There is, and there should be such a thing as judicial dignity. It is my most earnest wish that I may maintain in the exalted position to which my people have elevated me, that dignity which is born of common sense and naturalness. Being a devout believer in the plain and familiar maxims of common sense, it is my highest purpose to bring them to bear in the discharge of every judicial duty.

---

It is my belief that no man ever ascended to the seat of judgment with a view to his own aggrandizement and the gratification of a selfish ambition who was ever successful in rearing up an unsullied fame as an impartial Judge. A single purpose to pursue the right under all circumstances, is the first and most important element of a useful and successful judicial career.

Justice is blind when she poises her scales. She sees neither one of the suitors before her. They bring their causes and weigh them without being seen or known by the fabled Goddess; and this heathen mythology portrays the great moral scales, which, in the hands of the single-minded Judge, determines the hands of right and wrong in our day of Christian civilization. If he is intellectually honest and seeks nothing but justice, he becomes blind to all save the inward light of an enlightened conscience. He must see neither friends nor foes in those who come to ask judgment on their conduct. Love and hate must alike be banished from his heart when he assumes the awful task of judging his fellow-men. A deep and overwhelming sense of responsibility should purge his breast of all passion and prejudice, the common inheritance of us all, and elevate his mind for support and guidance upward toward the Source and Fountain of all Wisdom.

---

The law is not a system of mercy on the one hand or vengeance on the other; it is a system, rather which seeks to administer equal and exact justice and equal and exact justice constitutes a pair of scales which measures out deserts rather than desires. Justice can be done only when cases are tried on their merits. In the administration of the criminal law, it is my belief that a culprit should be

punished only for the crime for which he has been convicted, and not for crimes for which he has not been tried or for which he has been previously tried and made to pay the penalty of the law. I believe that the highest aim of the law is to save and not to destroy. And while in its administration no one is so strong, or rich or powerful as to be beyond the reach of its avenging arm, it must be remembered that its mission as the chosen apostle of freedom has always been to succor the oppressed, the feeble, the suffering and the poor, and to minister in the spirit of the great Master to those and their kind whom He blessed upon the Mount of Olives.

The poor have greater need to seek redress in the Courts than the rich and they must not be denied redress on account of their poverty. The road to the Fountain of Justice should be short and straight, and not blockaded with so many toll gates that no one can enter her temple without paving his way with gold. No one, feeling himself aggrieved, should be penalized for appealing his case, and I believe that little, if any harm has ever been done by tempering justice with a reasonable degree of mercy.

---

### THE JAIL.

I know not whether Laws be right,  
Or whether Laws be wrong;  
All that we know who lie in jail  
Is that the wall is strong;  
And that each day is like a year,  
A year whose days are long.

But this I know, that every Law  
That men have made for Man,  
Since Man took his brother's life,  
And the sad world began,  
But straws the wheat and saves the chaff  
With a most evil fan.

This too I know—and wise it were  
If each could know the same—  
That every prison that men build  
Is built with bricks of shame,  
And bound with bars lest Christ should see  
How men their brothers maim.



With bars they blur the gracious moon,  
And blind the goodly sun;  
And they do well to hide their hell,  
For in it things are done  
That Son of God nor Son of Man  
Ever should look upon.

The vilest deeds like poison words  
Bloom well in prison-air;  
It is only what is good in Man  
That wastes and withers there;  
Pale Anguish keeps the heavy gate,  
And the Warden is Despair.

For they starve the little frightened child  
Till it weeps both night and day;  
And they scourge the weak, and flog the fool,  
And gibe the old and gray,  
And some grow mad, and all grow bad,  
And none a word may say.

Each narrow cell in which we dwell  
Is foul and dark latrine,  
And fetid breath of living Death  
Chokes up each grated screen,  
And all, but Lust, is turned to dust  
In Humanity's machine.

The brackish water that we drink  
Creeps with a loathsome slime,  
And the bitter bread they weigh in scales  
Is full of chalk and lime,  
And sleep will not lie down, but walks  
Wild-eyed, and cries to time.

And every human heart that breaks,  
In prison cell or yard,  
Is as that broken box that gave  
Its treasure to the Lord,  
And filled the unclean leper's house  
With the scent of costliest nard.

Ah! happy they whose hearts can break  
And peace of pardon win;  
How else may man make straight his plan  
And cleanse his soul of Sin?  
How else but through a broken heart  
May Lord Christ enter in?

—Oscar Wilde.

---

Governments can end; Presidents do make mistakes, but the immortal Dante tells us that Divine Justice weighs the sins of the cold-blooded and the sins of the warm-hearted in different scales.

—President Roosevelt.

---

A cobweb will draw down the scales when nothing offers to counter-poise.

—Roman Law Maxim.

---

## THE LAW IN THE SCRIPTURES.

Our system of law is based upon the law of Nature and the Ten Commandments. The law of Nature is the source of all human law; and the law of Revelation, which distinctly formulates these principles into positive precepts, only affirms and re-enacts the law of Nature. The law of Nature is the law of civilization, and the Ten Commandments furnish the foundation for the Codes of all the civilized nations of the earth. These laws command what is right and prohibit what is wrong; they command men what to do and prohibit what they are not to do. They plainly mark the dividing line between Good and Evil, Right and Wrong, Virtue and Vice.

Ours is a Christian Nation and the law of Nature and the law of Revelation are as much a part of our system as if formally enacted by statute.

The law of Moses was rigid and rigorous in its requirements. It exacted an eye for an eye, a tooth for a tooth and a life for a life; but after Moses there came Another under whose dispensation a gentler and milder administration of the criminal law was established. He modified and humanized the rigor of the Mosaic law. From the Cross itself He prayed: "Father, forgive them for they

know not what they do." By this prayer He abolished the law of vengeance. He taught that they who have the power and fail to temper justice with mercy have no right to expect or hope for mercy in that great Court above the sun in which the only plea that will save them from a worse fate than that which awaits the convicted criminal will be a plea of mercy. The law of Moses was just, but it was mandatory and harsh. But instead of commandments Jesus offered Beatitudes. Instead of thunder He offered music. Threats were replaced by promises, and punishments interested Him less than rewards. He sent ringing down to us through the ages the positive but golden and unselfish Rule: "Therefore, all things whatsoever ye would that men should do to you, do ye even so to them; for this is the law and the prophets." And our own Supreme Court, in numerous cases, by direct reference and exact quotation, has made this Golden Rule a part of the law of this State, in cases involving the law of fraud, estoppel, negligence and crime, and in other instances in which equitable rights and remedies are invoked. It is a positive command, mandatory in its terms; and if judgments are to be rendered in righteousness, this Rule must be obeyed by those charged with the fearful responsibility of administering law and justice.

---

### SALVAGING THE DRIFTWOOD.

Soon after coming to the Bench I read a book entitled, "I believe in Man", written by an Alabama Judge. He had presided for twelve years on the Superior Court Bench in one of the larger cities of his State.

In the administration of the criminal law he believed in the severity more than in the certainty of punishment. Following the idea of the Mosaic Code he believed in that system of punishment that exacts "an eye for an eye, a tooth for a tooth and a life for a life." In other words for every violation of the criminal law, he believed that the full penalty should be paid.

But he said that there sat opposite him through all these years a Judge of much learning, wisdom and experience, who was then more than eighty years of age, and who had presided in that Court for nearly half a century. The two Judges possessed the same powers, under the law, and were clothed with the same jurisdiction.



But this old man had always believed in a mild and humane administration of the criminal law. He believed that the certainty and not the severity of punishment is the most effective deterrent of crime. He believed that the Goddess of Mercy should walk hand in hand with the Goddess of Justice. He believed that the highest object of the law is to save men rather than destroy them. He believed that the prayer of Christ from the Cross: "Father, forgive them for they know not what they do" abolished the Mosaic law of hereditary sin; placed upon a personal basis responsibility for offenses against God and man, and served notice on all future generations that those who "know not what they do" may still have hope that they, too, may be spared and forgiven; and he therefore believed in giving men a chance, in deserving cases, by pronouncing suspended sentences, so framed that an intentional violation of their terms would automatically carry the sentences into effect.

Once a mighty flood came in the river which flows by the city in which these Judges lived. Its angry waters had spread over the entire low lands, and the fallen timbers and debris which the flood had gathered from the woods and forest along its course had accumulated until, as the flood-tide flowed by the city, day after day, the entire surface of the waters was covered with driftwood. The poorer people of the city, in ever-increasing numbers, had occupied themselves in wading the more shallow waters and salvaging this floating driftwood for their winter's fuel.

One day these two Judges stood upon the banks of the river and watched the laborers as they salvaged the driftwood from its current. Finally the old Judge said: "It is so life like. Many of us are born and live up where the waters are sweet and pure; others work their way upstream. We are eager to work the oars, to do our share and then we grow smug and content. The storms come, our barks go on the rocks, many fall into the waters, while others give up and quit fighting. We become discouraged and drift with the tide. We lose faith in our fellows, then faith in life, and afterwards faith in God; and then we become driftwood on the current of the river of life. And at last, unless strong arms and brave hearts throw out the life-line, we drift to the Port of Missing Men. You know old Peter was driftwood, and the Master salvaged him from the waters. All my life, in the face of severest criticism, I have done the little I could to salvage the driftwood of humanity

floating down the river of life before me, and I find supreme satisfaction in the knowledge that there are many men in this State today occupying places of usefulness and trust and honor and profit to whom I gave another chance when they were wayward boys."

Well, the time soon came when that good old man was stricken and the young Judge visited him on his death-bed. He was unconscious, but seemed to realize that some one was in the room. Lifting his withered and wasted hand he pointed to the window and said: "I want you to see my boat as it rests at anchor out there in the river. Every piece of timber in it is made of driftwood. In its entire construction I have not used a nail nor a bolt nor a spike. Its joints are bound together with bands of love and sympathy and compassion and pity. It is finished now. Its engines are fired; its sails are unfurled to heaven's breezes, and it is ready to go."

A Judge who pursues the policy of that old man in imposing punishment in our criminal Courts will be criticised and condemned by some. It is easy for those to criticise who are not responsible for the consequences of punishment. When Jesus was on the earth He preached the gospel of "the glad tidings of great joy" to the poor, but He was criticised because He sat down at the table to eat with publicans and sinners. It was His delight to "visit the sick and those that were in prison", but He was denounced as the friend of the outcast and the friendless.

A hundred times I have invoked that old man's rule in pronouncing judgments against erring boys. Some of them have failed me; some of them are making good; but if I can salvage enough of driftwood to construct a boat, I shall have no fear but that it will brave the storms and ride the waves, for it is my abiding faith that such a boat will be piloted by a Captain who has crossed both ways the Mystic River that divides this world from the next.

---

No matter how low a man may fall, he still has somewhere in him a light that burns; some spark of honor for which he is still fighting.

"In men whom men condemn as ill,  
I find so much of goodness still;  
In men whom men pronounce divine,  
I find so much of sin and blot,  
I hesitate to draw the line  
Between the two, where God has not."

—*Author Unknown.*

---

"There's no one ever quite so bad,  
That somewhere way down deep inside,  
A little goodness does not find  
A place wherein to creep and hide."

—*Selected.*

---

### THE VALUE OF A YOUNG MAN.

It is said of Victor Hugo, the great French writer, that on one occasion when he was addressing an audience composed largely of young men, he said in substance that the world could well afford to have all of its wheels of progress stopped, and all of its activities suspended, if it were necessary to do so in order to save one young man. A man in the audience arose and inquired, "For how long a time could the world afford to stand still for such purpose?" And Hugo at once replied: "For such time as would be required to save the young man."

---

The law should be loved a little because it is felt to be just; feared a little because it is severe; hated a little because it is to a certain degree out of sympathy with the prevalent temper of the day; and respected a little because it is felt to be a necessity.

—*Emile Tourget.*

---

To err is human, to forgive divine.

—*Pope.*



'Tis easy to say "just so";  
The law will hold,  
But the wiser among us say "may be",  
For the law is not poured in a mould.

—*Selected Classics.*

---

If I have had time to make a mistake I shall take time to correct it.

---

A good conscience is the compass by which a Judge should be guided.

---

Who is engaged in administering justice should himself be just.

---

It is unjust to do justice by doing injustice.

---

A judge's mind is like a parachute; it will function only when it is open.

---

Self-conceit is the eclipse that clouds the judicial light.

---

A late Bench makes a laggard Bar.

---

Flattery is the most effective bribe.

---

Who has too high an opinion of himself has too low an estimate of others.

---

A good man will not impute worse motives than he would have entertained under the same circumstances, and a bad man will not likely impute better.

A wise man will learn from a fool, but one fool will not learn from another.

---

Before you fool with a fool be sure you have a fool to fool with.

---

A troubled conscience takes many strange and devious steps.

---

As unrestrained torrents of water submerge whole country-sides, and devastate homes and crops and everything that happens to be in their way, even so an uncontrolled pen or an unguarded tongue serves but to destroy.

---

I care not by whose hand the lamp of truth is held out to me; it is the light I want.

---

Why should I be so much interested in the source of the stream or the point of its entrance into the Sea? It is enough for me that my little bark is floating down its current, and I will do well if I shall be able to steer its course away from the shoals and the reefs.

---

Allow no one to labor in the gardens of the Temple save those who despise the weeds.

—*Confucius.*

---

Like as a father pitieth his children so the Lord pitieth them that fear Him.

*Psalms, 103: 13.*

---

Who shall put his finger on the work of justice and say "It is there"? Justice is like the Kingdom of God; it is not without us as a fact; it is within us as a great yearning.

—*George Eliot.*

If we wish to be just judges of all things, let us first persuade ourselves of this: that there is not one of us without fault; no man is found who can acquit himself; and he who calls himself innocent does so without reference to a witness, and not to his conscience.

—*Seneca.*

---

I think the first virtue is to restrain the tongue; he approaches nearest to the Gods who knows how to keep silent, even though he is in the right.

—*Cato.*

---

I honor any man who in the conscious discharge of his duty dares to stand alone; the world, with ignorant, intolerant judgment, may condemn; the countenance of relatives may be averted, and the hearts of friends grow cold; but the sense of duty done shall be sweeter than the applause of the world, the countenance of relatives, or the hearts of friends.

—*Charles Sumner.*

---

The chief difference between a wise man and an ignorant one is, not that the first is acquainted with regions invisible to the second, away from common sight and interest, but that he understands the common things which the second only sees.

—*Starr King.*

---

## THE JUDGE.

Garbed in the robes and the ermine of power,  
Sitting in judgment like Almighty God,  
In judging of men in their troublous hour,  
Scanning their deeds and the ways they have trod.

Symbol of Justice, of Law and of Order,  
Bulwark of Mercy, of Truth and of Right,  
His to defend like a chivalrous sworder,  
Equity struggling with pitiless Might.



For weal or for woe of mankind his decision  
 More potent and mighty than the word of the Priest,  
 His mandates may hold even a King in derision,  
 His judgments hold power through life long has ceased.

He holds the key to the iron-bound prison,  
 Estates he may sway by his potent decree,  
 His dictates may dry the sad tears that have risen,  
 Or, ill-inclined, he may slay Liberty.

Stricken is justice—unhappy the Nation,  
 Whose judges will yield to a demagogue's tricks,  
 Who seek for themselves the mob's acclamation,  
 And sink in the bog of base politics.

Woe to the land with a Jeffreys afflicted,  
 Unhappy the man who must mercy implore  
 From vain pigmy Daniels with justice restricted  
 To those who can gold in their itching palms pour.

Comes yet a Marshall whose Justice and Vision  
 Proclaim him a giant in Destiny's Plan,  
 Whose far-seeing wisdom in every decision  
 Guides a great land o'er the Century's Span.

Written in gold in the Common Law's story  
 Are the Hales, and the Mansfields, the Cokes and the Holts,  
 In the Citadel of Right they have ruled to their glory,  
 Iniquity striking like great thunderbolts.

Burning with hatred of Wrong and Oppression,  
 In law's white marmoreal halls they have trod  
 With Mercy and Justice, and judged men's transgression,  
 With Love and Forgiveness—like Almighty God.

—*Author Unknown.*

## CHAPTER X.

### A FEW RANDOM THOUGHTS FOR THE BAR.

*Where no counsel is, the people fall; but in the multitude of counsel there is safety.*

PROVERBS 11: 14.

In my long practice at the Bar, it was my experience in arguing cases before the jury, that an illustration, that really did illustrate the proposition involved, was worth more than a volume of argument. For many years I made it my practice, when I had used an illustration that appeared to me to have been effectual, to place it in my "Lawyer's Notebook" for future use. I include some of these illustrations in the following pages with the hope that the younger members of the legal profession may find them of value.

### CHARACTER.

Broadly speaking, there is a difference between character and reputation. Character is what a man is; reputation is what he is thought to be. Character is within; reputation is without. Character is always real; reputation may be false. Character is substantial and enduring, reputation may be temporary and fleeting. Character is what gives a man value in his own eyes; reputation is what he is valued at in the eyes of others. Character is his real worth; reputation is his market value. A man may have a good character and a bad reputation; or he may have a good reputation and a bad character, as we form our opinion of men from what they appear to be and not from what they really are.

In law, reputation and character are synonymous terms. But in law character is something more than the absence of bad character. In the case of *In Re Applicants for License*, 191 N. C., 238, Judge Stacy says in substance: In law, "good character includes all the elements necessary to make up such a character. It is the good name which a man has acquired, or should have acquired, through associations with his fellows"—the good name which Solomon tells

us is rather to be chosen than great riches; the good name that is worth more than silver and gold. "It means that he must have conducted himself as a man of upright character ordinarily would, or should, or does. Such character expresses itself, not in negatives, nor in following the line of least resistance, but quite often in the will to do the unpleasant thing if it is right, and resolve not to do the pleasant thing if it is wrong."

Mr. Erskine, the greatest of all English lawyers, tells us that "Character is the slow spreading influence of opinion arising from the deportment of a man in society, as a man's deportment, good or bad, necessarily produces one circle without another and so extends itself till it unites in one general opinion."

Character is a process of time and growth and development. It is the result of the combination of the numerous elements and phases and traits and principles that go to make an upright, honorable and useful man. A dollar is composed of a thousand mills; character is composed of a thousand thoughts and acts and deeds. Every act, however trivial, has its train of consequences, as every object, however small, casts its own shadow.

As the snow-flakes fall to the earth unperceived, and are gathered together so that they cover the ground with a mantle of white, so the seemingly unimportant events of life succeed one another. No flake creates any perceptible change in the blanket of snow, just as no single act of life constitutes, however much it may portray or seem to portray a person's character. It is the simple things; those acts which, when standing alone, are of but little, if any significance, but which when considered together as a connected whole make up the sum of life, that enable us to form a true and accurate estimate and a sound and definite judgment of human character and conduct.

---

### THE FLIGHT OF A SPIRIT.

(From speech for the State in *State v. Munday*, tried for manslaughter in Macon County.)

It is related of Juggernaut, or Jagernath, as he was sometimes called, the chief idol of those who followed the Hindu faith, and who was believed by them to be the great "Lord of the World", that when driving through the city of Puri in India on Festival



days, he would crush to death beneath the wheels of his mighty chariot the multitudes that lined the Streets to do him homage.

And so on this fatal September day this defendant, with equal disregard for human life; with culpable and criminal indifference to the laws enacted for the promotion of the public safety and travel, drove his car with reckless speed over the Streets of Franklin and left in his tracks the mangled and lifeless corpse of his innocent victim.

And then, faster than the fleeting shadow of the swiftest wing; faster than the vehicle of thought drawn by horses swifter of foot than the lightning's steeds, and faster than the sunbeam's glimmer as it passes from heaven to earth, and with flapping wings of resplendent glory encircles the globe, the spirit of little Arthur Reece took its flight into the mysterious realms of the great Unknown.

---

A PLEA FOR SYMPATHY FOR J. R. HYATT,  
FATHER OF DAVID HYATT, WHO WAS TRIED FOR  
HIS LIFE IN THE SUPERIOR COURT OF HAYWOOD  
COUNTY FOR THE MURDER OF HIS BROTHER,  
BUELL HYATT.

In Tennyson's "Lotus Sleepers", the soldiers returning from the siege of Troy, came to a lake in a land where it was always evening; and that is the land where old age sits and meditates.

Tennyson's soldiers heard whispering voices coming across the dreary waters where the boats swung lazily against the shore—voices from this land of the everlasting evening. And that is the place where this good old man is now. Never more will he face the noon time. Never again for him will the sun rest on the high circle of life's magnificent span. He is now facing the West, and for him the journey is westward from this day forevermore. He is traveling down the western slope of the hill, and henceforth and forever he must reckon with the sunset hour. The gates of the morning have been closed behind him forever. No more shall he watch Aurora, with rosy-tinted fingers, pull back the curtains of the night and flood the world with the effulgence of the Dawn. He is over on the other side of the Great Divide where the mellow light of evening is softening everything into an afterglow.

And, as he sits before you today, wrapped in a benediction of

white hair, with the stain of Calvary on his cheek; as he sits here holding in his troubled mind and heart the associated memories of a life-time; as he rests on the margin of the great River that divides this world from the next, with nothing to do but rest in hope, weary only with the years, and watching and waiting for your verdict—to tell him whether he is to lose only one boy or two—let me appeal to you for a verdict that will mend and set his broken heart-strings; a verdict that will carry with it a healing balm for his broken spirit.

Do not make the mistake to believe that a verdict of guilty will punish the boy alone. Oh, no! The blow would fall most heavily on innocent heads. It is always so.

“‘I’ll pay the price’, he said as though  
On him alone would fall the blow.  
Poor youth, who fancied that his sin  
No other lives had gathered in,  
And that he truly walked alone  
Into the house of steel and stone.

“‘Spare him’, a kindly neighbor said,  
‘This erring youth has been misled.  
I knew his people, fine and true,  
It is for them I come to you.  
This shame their troubled hearts will break,  
I ask you mercy for their sake.’

“I stood beside the Judge and heard  
The family doctor speak a word  
In his behalf. The priest came in,  
Pardon, if possible, to win.  
Not for the boy alone, but all  
On whom his punishment would fall.

“Sentence was passed. Upon his face  
Emotion could not write a trace.  
He could not understand; he didn’t know  
That as from Court he turned to go,  
That all who once had thought him fair  
Had years and years of agony to bear.”

## FAITH IN TESTIMONY.

Have you ever seen the City of San Francisco? I have not; and yet I know that the great city is there by the western sea, with its bustling streets and teeming thousands of people, representing every race, and every phase of human character, and every grade and condition of life mixing and mingling together in that great mart of modern civilization. I have never been to that beautiful city by the sea, but so certain am I that it is there that as I listen I can hear the rumbling of the heavy wheels and the clatter of the rushing traffic on its busy streets. I can hear the footfalls of the moving throngs and the murmur of the multitudinous voices like the eternal roar of the ocean waves that break on its rock-bound shores.

Have you ever seen the great Mississippi River? I had not until recently, and yet I knew that the ceaseless and resistless current was forever there, extending from the regions of perpetual snow to the land of unending summer, and constituting a mighty Highway for the inland commerce of this country.

Why is it that I believe in the existence of these places that I have never seen? I have listened to the tales of travelers; I have read it in the books, and, having no reason to doubt the truth of their statements my mind is compelled to accept the truth of what they say.

I have never seen the Saviour of the World. I have never beheld the majesty of his face, nor listened to the sweet melancholy music of his voice. And yet I know that my Redeemer lives. I believe that He walked upon the waters and bade the winds be still and whispered "Peace" to the troubled waters of Galilee; I believe that at his slightest touch the blind were made to see and the deaf to hear and the dumb to speak; I believe that at his invitation the lame arose and walked; I believe that He stood at the grave of Lazarus and that at his command the dead stepped forth living from the grim embrace of the tomb; and I believe that He stood in the home of the ruler of the synagogue, whose only little daughter had just died, and that, taking her by the hand He said to her: "Little damsel, little maid, I say unto thee arise;" and then her heart resumed its beating with ceaseless, tireless stroke, sending the crimson streams of life bounding and circling through every artery and every vein, and she arose and walked. Yes, I believe these



things, and why? Because I have read the testimony of those who, with their own eyes, saw those marvelous occurrences; and finding no satisfactory reason to doubt the truth of their statements, but with abiding confidence in the character, credibility and veracity of the witnesses, corroborated and supported as they are by a host of Jewish and Pagan and Christian witnesses of the same century and country in which these mighty events came to pass, it is inevitable that I should have faith in the evidence; and faith in evidence generates belief; and belief results in conviction; and conviction removes doubt; and when doubt is absent, then in the presence of faith and belief and conviction the veil is lifted from the face of the lustrous Image of Truth.

---

### ARGUMENT FROM THE MIRACLES OF CHRIST.

The gentlemen on the other side make "much ado", and have much to say about what they are pleased to term the fatal contradictions in the testimony of our witnesses; but we insist that a fair and impartial analysis of their testimony will show, instead of contradictions, nothing more than mere, unimportant discrepancies, apparent, rather than real. They tell you that because our witnesses do not agree in minutest detail; that because, having had an opportunity to know all the facts, they fail to testify to precisely the same things, that they are unworthy of your belief, and that, therefore, all their evidence should be discredited, and that our case should fail. We reply that each witness has truly stated what he knows; that one witness may have observed a fact of which the others have no knowledge, or that a witness may honestly have failed to state a fact within his knowledge because of honest oversight. And we assert that an examination of the entire evidence will show that respecting the main, essential facts; the facts constituting the real, vital issues in the case, our witnesses are in entire agreement.

But the gentlemen on the other side tell you that because the witnesses do not agree upon the unimportant details their evidence upon the essential points must go for naught. Now let me illustrate with an example from sacred history respecting a matter about which we are all concerned, and by this means test the soundness of *their* logic and the validity of their argument.

Of the four Gospel writers, Matthew and John are the only two who were with the Savior during most of His ministry on earth. There is no evidence that Mark was with him at all other than a tradition that he may have been one of the seventy Disciples who were sent out to preach and that he may have been present when the Last Supper was celebrated. But authentic history tells us that he wrote his Gospel at the dictation of Peter who was always present after his call and watched the trial and crucifixion from afar. It is claimed by none that Luke was an eye witness, although he tells us that he "had perfect understanding of all things from the very first" and that he had verified the things about which he wrote "by many infallible proofs."

These four Gospel writers, eye witnesses and witnesses possessing first hand information, tell us of forty-nine specific miracles wrought by Christ. But of the entire forty-nine miracles there are only two about which they all agree; one being the healing of Malchus, the servant of the High Priest whose ear Peter had cut off with his sword on the occasion of the arrest of his Master in the Garden, and the other being when He fed a multitude of five thousand people with a few loaves and fishes, and there was plenty and to spare.

Matthew, Mark and Luke agree on fourteen of the forty-nine miracles; Matthew, Mark and John agree on one; Matthew and Mark agree on seven; Matthew and Luke agree on one, and Mark and Luke agree on four.

Matthew mentions five that are not mentioned by the others; Mark records two that the others fail to mention; Luke relates seven that are not referred to by the others; and John writes of six about which the others are silent; and this accounts for the total of forty-nine miracles recorded by the four witnesses to the Gospel of Christ.

But none save Matthew tells us that at his slightest touch sight was restored to the two blind men; none but Mark relates that He made the deaf to hear and the dumb to speak; Luke only tells us of the piteous wails of the ten lepers, who, standing afar off prayed to Him for mercy, and so aroused the compassion of his great heart, that with a word their sores were healed and their dread diseases forever cured; while John without corroboration from either of the others, tells us that the Son of Man stood at the

grave of Lazarus, and that at his command the dead stepped forth living from the grim embrace of the tomb.

These four witnesses, in their testimony of the mightiest events in all history, differ only in that each one relates facts about which the others have nothing to say; but they do not profess to tell all the things the Savior did, for John himself in the last verse of his Gospel tells us that "there are also many other things which Jesus did, the which, if they were written every one that even the world itself could not contain all the books that should be written." And yet, if the logic of the gentlemen on the other side is sound, we can no longer believe that the great Master walked upon the crested waves of the sea, and that at his word the fury of the tempest was stilled, because some of the witnesses state facts about which the others are silent; if theirs is a correct method of reasoning, we can no longer believe that He unstopped the ears of the deaf and opened the eyes of the blind; that He preached the Gospel of the "glad tidings of great joy" to the poor, and called back to life those who were sleeping in the silent City of the Dead, because all the witnesses did not all agree to all the others said.

But, Gentlemen of the Jury, upon the main, essential, vital facts; upon the facts that are of transcendent importance to you and to me, they are in absolute accord; and out of the plenitude of evidence these witnesses tell the great, outstanding, controlling facts that serve the purpose intended; the facts that prove to the open and unbiased mind that Jesus of Nazareth was and is the Son of the living God. They all agree that this Man, this God-Man, whose name will live in more than earthly splendor until the light of the sun itself shall go out in the darkness of the eternal night was the grandest figure that ever graced the mighty tide of time.

They all agree that He spake as never man spake; that He was supremely wise and supremely good, and that in every variety of situation in life, from the loftiest heights of earthly grandeur, amid the acclamations of an admiring multitude to the lowest depths of degradation, scorned, spurned, scourged and spat upon, and then crucified—the most cruel death that was ever devised by a cruel race in a cruel age—that the works He wrought were the works of a God. And they all agree that He was an inhabitant of two



worlds; that He came from the realms of eternity to the realms of time; that He returned whence He came, and that He triumphed over death and robbed the grave of its victory.

---

### ARGUMENT FROM THE PARABLES OF CHRIST.

The gentlemen on the other side have much to say about what they are pleased to term the fatal contradictions in the testimony of our witnesses; but we insist that a fair and impartial analysis of their testimony will show, instead of contradictions, nothing more than mere, unimportant discrepancies and omissions, apparent rather than real. They tell you that because our witnesses do not agree in the minutest detail; that because having had an opportunity to know all the facts, they fail to testify to precisely the same things, that they are all unworthy of your belief, and that therefore all their evidence should be discredited and that the whole fabric of our case should fail.

We reply that each witness has truly stated what he knew; that one witness may have observed a fact of which the others had no knowledge, or that a witness may honestly have failed to state a fact within his knowledge because of honest oversight. And we assert that an examination of the entire evidence will show that respecting the main, essential facts—the facts constituting the real, vital issues in the case—our witnesses are in entire agreement.

Now let me illustrate with an example from sacred history and by the application of a simple rule of faith test the soundness of their logic and the validity of their argument.

The four Gospel writers, eye witnesses, and witnesses possessing first hand information, tell us of forty-eight parables used by the Savior in his teachings. But of the forty-eight parables recorded there are none about which they all agree.

Matthew, Mark and Luke agree on six; Matthew and Mark agree on one; Matthew and Luke agree on four; Matthew mentions fifteen that are not mentioned by the others; Mark records two that the others fail to mention; Luke relates nineteen about which the others are silent, while John, from the beginning of his Gospel to the end of it attributes but one parable to Christ. None but John tells of the beautiful parable of the Shepherd and the sheep; none save Matthew tells about the parables of the ten virgins, the

beautiful parable that teaches us to watch because we know not the day nor the hour when the Son of Man shall come.

None but Mark tells the parable of the man taking a far journey, by which we are taught to take heed and watch and pray, lest coming suddenly He may find us sleeping; while it remains for Luke alone to tell us the touching and instructive parable of the Good Samaritan, the sublimest of them all.

But upon the main, essential fact they all agree. They all agree that the Man of Galilee did teach by parable the grandest and loftiest lessons of human life. They all agree that "all these things spake Jesus unto the multitudes in parables, and without a parable spake He not unto them, that it might be fulfilled which was spoken by the prophet saying, I will open my mouth in parables."

---

## ARGUMENT FROM THE SERMON ON THE MOUNT.

The gentlemen on the other side have argued to you that because some of the witnesses who were present did not testify about some of the leading facts involved, and because that among others who did testify respecting such facts, some testified in detail and others only in substance, and differed somewhat regarding the precise language employed, that none of our evidence is worthy to be accepted as true, and that, therefore, our case should fail. Now let us with a simple but universal rule of faith put to the test the correctness of their logic and the soundness of their argument.

You and I believe in the merciful Redeemer; we believe that the blessed Savior walked the hills and plains of Judea, and died to redeem the souls of men; we believe that He stood upon the mountain side beneath the shade of the trees, where the ground was carpeted with verdure and flowers, surrounded by His Disciples and a great multitude of people who had come from all the coasts of Galilee and from Jerusalem and from all Judea to listen to his words, and that there He delivered his matchless Sermon on the Mount, the sublimest utterance that ever fell from any lips, human or divine, in all the tide of time. And we believe with equal faith that in that Sermon on the Mount the Savior announced the beautiful, golden, unselfish rule. And why do we believe these things? Because we accept as true and without question the testimony of four inspired witnesses who have told to us the facts.

And yet, only two of them have told us about the Sermon on the Mount. Matthew devotes three chapters—over a hundred verses to his report of the Sermon; Luke gives the substance of it in about thirty verses—less than one chapter all told; while from the beginning to the end of their testimony Mark and John mention it not at all.

Matthew and Luke agree that in that Sermon the Savior announced the Golden Rule, but they state it in entirely different phrase. Luke says it was in these words: "And as ye would that men should do to you, do ye also to them likewise." But Matthew tells us that it was in these words: "Therefore, all things whatsoever ye would that men should do to you, do ye even so to them; for this is the law and the prophets."

Now what becomes of the argument of the gentlemen on the other side? If their method of reasoning is correct, then we must believe that because of the silence of Mark and John, the Man of Galilee never delivered the Sermon on the Mount at all; and if their logic is sound, although the Sermon on the Mount may have been delivered, the Golden Rule was not included in it because Matthew and Luke differ as to the precise language in which it was expressed.

But you and I know that their process of reasoning is not sound—that it will not stand the test. You and I will still believe that notwithstanding the silence of Mark and John the great Nazarene did deliver the Sermon on the Mount as testified by Matthew and Luke. And you and I will continue to believe that as long as the Sermon on the Mount shall constitute the heart of the Christian religion, Christianity itself will endure; and you and I will continue to believe that notwithstanding the difference in the language employed by Matthew and Luke the Son of Man did proclaim the Golden Rule, and that as long as it shall constitute the soul of the Christian religion, logic will bow at its altars and philosophy will worship at its shrine.

---

## ARGUMENT FROM THE SUPERScription ON THE CROSS OF CHRIST.

We are told by Roman historians that it was a requirement of the Roman law, in case of any extraordinary execution, which was usually by crucifixion, to hang above the head of the alleged male-



factor an inscription or writing denoting the crime for which he suffered. In the Provinces over which the Roman government exercised dominion, the law required that this inscription be written in the prevailing language of the Province as well as in the Latin language. The Gospel writers tell us that Jesus was first tried by the Jewish Sanhedrin upon a false charge of blasphemy. Convicted in that Court upon false and perjured testimony, he was taken before Pontius Pilate, the Roman Governor of Palestine, and there tried under the Roman law upon the false charge of seditious teaching against the reigning Caesar. This was a capital crime, under the Roman law, and Pilate had jurisdiction to inflict the penalty of death; but under the Roman dominion the Hebrew Court had been deprived of that power.

All four of the Gospel writers agree that in conformity to this requirement of the Roman law, a writing by Pilate's order was fixed above the head of Jesus as He hung upon the Cross. But all of them differ as to the exact language the writing contained. Matthew says it was in these words: "And they set up over his head his accusation written, This is Jesus the King of the Jews." Mark says that it was in these words: "And the superscription of his accusation was written over, The King of the Jews." Luke uses these words: "And a superscription also was written over him in letters of Greek, and Latin, and Hebrew, This is the King of the Jews." St. John, differing from all the others, tells us that it was in these words: "And Pilate wrote a title and put it on the Cross. And the writing was, 'Jesus of Nazareth the King of the Jews;'" and John adds that the words were written in Hebrew, and Greek and Latin.

So it will be seen that Matthew refers to the writing as an "accusation"; Mark and Luke called it a "superscription"; while John speaks of it as a "title". But all of them were right, because an accusation means a charge or indictment; superscription means an upper writing; that is, something written above something else; and title in this connection means the accusation, because it was so defined by the Roman law. And they were right about the writing itself, for while the Gospel writers differ as to the precise language contained in the writing, and only Luke and John say that it was written in three languages, the difference is so slight that whether you rely on one of them or upon all, your minds will unerringly reach the conclusion that the great fact which these

sacred writers were seeking to establish, was the fact that Jesus of Nazareth was tried, condemned and crucified upon an indictment charging Him with sedition or treason against the Roman Emperor, in that it charged Him with having claimed He was King of the Jews, while the Jews were subjects of the Roman Empire, over which Tiberius reigned as king.

---

### THE SCALES OF JUSTICE.

I have hanging on the walls of my office in Waynesville a picture representing a Roman Court assembled nearly two thousand years ago, when Justinian and his associates met at the command of the Roman Emperor to compile and codify the law of Rome.

When you look at the picture, at first glance you observe only Justinian and his associates, but upon a closer examination, in the background, just above the Judge's stand, you will see the picture of a woman so beautiful as to make you feel that she must have been formed in heaven and then handed down a stairway of stars for man to love and cherish forever.

The same picture appears on my license to practice law, issued by the Supreme Court of the United States, and on my license from the Supreme Court of North Carolina, and from the Supreme Courts of Virginia, South Carolina, Georgia and Tennessee—this same picture of this beautiful woman, sitting on a throne, with her right hand pointing toward heaven, uplifted as if in supplication for mercy, while in her left hand she holds poised a pair of scales emblematic of the scales of Justice. It is a picture representing the Goddess of Justice, worshipped in ancient times by Pagans who had no knowledge of the Christian's God; but who believed that this Goddess of Justice presided in the souls of the Judges who held in their hands the destiny of those who had to undergo the ordeal of a trial for their lives.

Mythology tells us that this Goddess of Justice was blind when she poised her scales; blind to hatred, revenge and vengeance; blind to passion, prejudice and sympathy; blind to the faults, the failings and frailties of those who were accused; blind to everything except that which pointed unerringly to the eternal truth.

Now let us apply this lesson from heathen mythology to the facts and the law of this case. It may appear to you that the scales

of Justice are first weighed on one side in favor of the prisoner, and then on the other side against the prisoner.

As counsel on either side have put the evidence in these two scales, I called to my mind this picture of the blind Goddess of Justice of the ancient world holding these two scales with equally honest hands. As you watched the scales through the several stages of the trial you doubtless thought now and then, that first one scale, and then the other had fallen, and then again that they were so evenly balanced you could not make up your minds which side was lower or higher.

Then in one scale, in the prisoner's scale, unseen by human eye, is placed that over-balancing weight, the weight of the presumption of innocence, which the law throws around him like a strong protecting arm.

Now when the balance is so struck that you cannot tell which pan is nearest the ground, then it becomes your sworn and solemn duty to remember the invisible weight of that invisible substance—the right of every man accused of crime to demand the acceptance of his innocence until his guilt has been established beyond a reasonable doubt; the right of every man accused of crime to demand an acquittal unless and until an honest jury can honestly say that there is no reasonable doubt of his guilt; that on the whole evidence there is no reasonable hypothesis consistent with any theory of his innocence. Let this human principle of the law be your guide; for it is the star whose lustre will guide you to that sacred place where justice sits enthroned.

---

## THE HUNCHBACK OF NOTRE DAME.

In all ages of the world there have been places of sanctuary. We read in the Bible that around the Holy City there were six other cities called Cities of Refuge, and though a man had stained his hands with the blood of his fellowman, if he killed him "un-awares", and then fled fast enough and got within the gates of the City of Refuge, he was safe, because the avenger of blood could go no further.

In ancient times in Greece and Rome, sacred places, and especially the temples, and altars of the Gods, were appointed as sanctuaries to which persons accused of crime, as well as those who



were unjustly persecuted might flee for refuge; and to molest them in these sacred places was regarded as an act of impiety of so serious a character as to call for the extreme displeasure of the Gods, as well as the penalty of the law.

In the time of Constantine the Great the churches were made sanctuaries, and in the lawless periods of the Middle Ages the influence of the church oftentimes prevented deeds of gross injustice and violence.

Victor Hugo tells us the story of a trial in the days of the Inquisition during the Dark Ages in France. A young girl, beautiful beyond description, named Esmeralda, was tried for witchcraft in front of the Cathedral of the Notre Dame in Paris. There on the Judgment Seat sat the Inquisitor who held her destiny in his hands. In front of him stood the beautiful, trembling girl, while around her roared and raged the mob of Paris, thirsting and howling for her blood. When she was asked what she had to say, in her innocence she replied: "I am not guilty." They bared her beautiful limbs and placed upon her knees the instrument of torture and pressed it down. She screamed in pain, but in her innocence again she cried: "I am not guilty; I will not confess." And again they pressed the instrument of torture, and in her anguish, the poor, frail nature broke down, and then she said: "I am not guilty, but Oh, won't you have mercy on me?" But the cruel Inquisitor was one in whose eyes the light of love and mercy was forever quenched, and they bared her neck for the executioner's knife, and were preparing for their bloody work.

All this time Quassimodo, the Hunchback bell ringer of Notre Dame, was watching this scene from one of the balconies above. He let down a rope, and sliding down he grabbed Esmeralda in his arms and ran with her along the balcony of Notre Dame crying, "Sanctuary, sanctuary, sanctuary." Before him the wild, infuriated mob of Paris hesitated and paused, and the bloody hands of the mob were stayed, for under the law of France and the law of the church no blood-thirsty villian dared violate the sacred precincts of the Temple of the Sanctuary under pain of the condemnation of both church and State.

This lesson from sacred and ancient history shows that charity for the follies, the errors and crimes of the whole family of imperfect man always and everywhere has been the leading virtue in

the hearts of law-givers, and rulers, and Judges and juries, and all those whose duty it is to administer the divine precepts of justice. And gentlemen of the jury, we come to you now as to our sanctuary; and this defendant appeals to you to close the doors of the Temple against the avenger of blood, for he killed his neighbor "unawares."

## CHAPTER XI.

### A FEW RANDOM THOUGHTS FOR THE BAR,— CONTINUED.

#### HOLD THE RUDDER TRUE.

Just off the coast of North Carolina there are some shoals known as Diamond Shoals that have been the cause of many a disastrous shipwreck. So dangerous are they that the government of the United States maintains there a light-house, together with a life-saving station.

A few years ago the Weather Department at Washington sent out a warning to people living along the coast to prepare for the worst storm ever known that was coming up from the South. And at night-fall it came in all its wild fury, lifting houses from their foundations, and leaving death and destruction in its wake. And the captain of the Light House sent out his search light and discovered a ship that had wrecked on Diamond Shoals.

When the storm approached the ship it seemed to pause and hesitate as if the wrecked ship was the object it sought. Havoc threatened on every hand. Death and destruction beckoned, and it seemed that nature herself was all out of joint. Fierce lightnings leapt down from their dark pavilions of cloud; the roar of the thunder echoed along the sky, midnight gloom settled down over the face of the mighty deep; the wild winds beat with relentless fury upon the ill-fated ship, and wave climbed upon wave until the affrighted earth rocked and trembled beneath the angry roar of the musketry of the winds and the artillery of the skies; but while the wild furies of the tempest were rushing out from their vapory vaults to harness their thunder-clad steeds to the chariot of the winds, the brave captain of that ship stood by his pilot wheel and looking defiantly into the face of the angry elements, said to them: "You may destroy me or you may save me but I'll hold my rudder true."

And gentlemen of the jury, so it is in this case, for from the very hour that this man was first accused until he entered the



portals of this Temple of Justice, the sounds of strife, the voice of bitterness, the cry of hate and the clamor for vengeance have followed him; but now he turns to you as to a safe and peaceful haven, with abiding faith that you twelve men will "hold the rudder true"; and that when the dark storm clouds of passion and bitterness have passed away, and disappeared, you will see beyond the mists the fair, unclouded face of justice, clothed in her garb of law, painted upon the heavens like the lustrous image of the eternal truth.

---

### THE MERCHANT OF VENICE.

Shakespeare, in the Merchant of Venice, tells us the story of Antonio and Shylock.

Shylock was a rich Jew residing in Venice, whose business was that of a money lender under unconscionable contracts upon exorbitant and extortionate rates of interest. Antonio was a young merchant of Venice who had on occasion loaned money without interest to some of Shylock's victims, thereby enabling them to escape from his clutches. For this reason and because Antonio was a Christian, Shylock hated him and for a long time had hoped to get him in his power.

The opportunity soon came, for Antonio borrowed from him on three months time three thousand ducats, representing something over four thousand dollars, and Shylock, in order to secure his loan required not only a mortgage covering Antonio's ships and their cargoes, then in English waters, and at Tripoli, and in the Indies and Mexico, but demanded that the condition be written in the bond that if Antonio should fail to pay on the specified day and in the specified place, Shylock should have the right to cut off and take from Antonio's body that pound of flesh that lay nearest his heart.

And they went to a Notary and the bond was sealed. And then a mighty storm came up at sea that raged as if the whole heavens were at war. Havoc threatened on every hand; death and destruction beckoned, and it seemed that nature herself was all out of joint. Fierce lightnings leapt down from their dark pavilions of cloud; the wild furies of the tempest rushed out from their vapory vaults and harnessed their thunder-clad steeds to the chariot of the winds, and wave climbed upon wave until the affrighted earth

rocked and trembled at the awful uproar of the warning elements, and Antonio's ships with all their cargo went down.

And the bond fell due and Antonio was unable to pay, and Shylock went into the Courts of Venice and demanded the full penalty of his bond.

Portia, the beautiful young advocate of Antonio plead for mercy in vain, but the hardened nature of Shylock did not relent nor did the edge of his knife grow dull even when he was tendered double the penalty of his bond in the Venetian Court. He demanded his pound of flesh because it was so nominated in the bond; and Antonio bared his bosom for Shylock's knife.

But Portia again arose and said: "A pound of that same merchant's flesh is thine; the Court awards it and the law doth give it. But hold, Jew; tarry yet a little while, there is something else. The bond doth give thee a pound of flesh, but it gives you not a drop of blood. Then take thy bond, take thou thy pound of flesh, but in the cutting of it, if thou dost shed one drop of Christian blood, or if thou taketh one poor scruple more than a pound, nay, if the scale do turn but in the imitation of a hair, there is a law in Venice which says thou shalt die, and all thy goods be confiscated by the State."

And so the bloody hand of Shylock was stayed, and he gladly offered to accept the return of even the principal of his three thousand ducats; but the Judge, under the laws of Venice, awarded to Antonio one-half of Shylock's wealth, because, as an alien, he sought to take Antonio's life; but Antonio proposed to return it to him on condition that he would presently become a Christian.

---

### JUSTICE TEMPERED WITH MERCY.

In these times of modern progress and enlightenment we have drifted away from the rigid requirements of the Mosaic law which exacted an eye for an eye, a tooth for a tooth and a life for a life; for after Moses there came Another, under whose dispensation a gentler and a milder administration of the criminal law was established.

He modified and humanized the rigor of the Mosaic Law. He abolished the law of vengeance, for from the Cross itself He forgave his enemies who crucified Him.

He taught that they who have the power and yet fail to temper justice with mercy have no right to hope for mercy in that great Court above the sun in which the only plea that will save them from a worse fate than that which awaits this defendant, if you shall convict him, will be a plea of mercy.

He sent ringing down to us through the ages, the positive but golden and unselfish command: "Therefore, all things whatsoever ye would that men should do to you, do ye even so to them; for this is the law and the prophets."

---

### THE SYMPATHETIC JURY.

(From Brief in Byers v. Hardwood Company, 201 N. C., 75.)

When a case like this once gets to a jury they draw no fine distinctions anent, "A scintilla of proof, and the weight of the evidence", and the corporation defendant might as well haul in its sails and desert the ship. What boots it to them that the evidence overwhelmingly shows that the intestate killed himself "By an act sounding in folly?"

We look to the jury box as to a sacred shrine, the place where human justice holds the scales to measure out the dues of man.

Attracted by its ancient source and democratic composition, we think its lustre is the star that guides us to the sacred place where justice sits enthroned. We follow its alluring light with perfect trust only to find at last that sympathy oftentimes outweighs the most convincing proofs, and our confidence and hopes explode like bubbles in the air and are dashed down to dust. Such has been the experience of every trial lawyer who defends damage suits brought against his corporate clients.

The Judge will warn the jury in vain; he may caution them that:

"When passion blows the breeze,  
Let reason guide the helm."

He may admonish them that in their decision of the issues they have no friend to reward and no enemy to punish; he may tell them in the language of this Court, in *Crenshaw v. Street Railway Company*, 144 N. C., at page 327, that sympathy "if permitted to make it (sympathy) the basis of transferring the property of



one party to another, great injustice would be done, the foundation of the law disturbed, and anarchy result"; but the jury, having "ears to hear, hear not" when the voice of sympathy pleads the cause.

Evidence and the weight of proof go for nothing when one arrayed in "widow's weeds" enters the lists against a corporation operating a logging railroad.

The jury may be ever so honest; they may sincerely feel that no amount of crying need or claims of sympathy can swerve their judgment in the least degree. And yet, it is the experience of every trial lawyer that when the crucial test is made, and they see crippled innocence oppressed with want seeking relief against defendants armed with wealth, they cannot stay the sympathetic hand; and thus the rich man finds his wealth weighed against him because of his ability to pay; the adult is outweighed by the infant; a woman's rights are made greater than the rights of a man, and poverty tips the beam when corporate wealth sits on the other scale.

All will agree that even though the action is brought by the widow whose husband has lost his life in the service of a corporate defendant, their status should not move the scale the fraction of a hair when justice weighs the facts before the law. But what does a sympathetic jury care for this? Their heart-throbs stifle reason's voice, and the weight of the evidence goes for naught, while with lavish hands they divide the gifts of wealth that others have earned, and make the rich disgorge to feed those of little means, the strong to help the weak, the sterner sex to bear the weaker's load; and thus it is they despoil the rich man's purse and make the Court-house an Alms House for the poor.

---

### CIRCUMSTANTIAL EVIDENCE.

Circumstantial evidence is evidence of facts and circumstances which surround and are connected with the particular facts to be proved, and which, taken together, the Court and jury may reasonably consider as proving, or tending to prove or negative the ultimate facts sought to be established in the case before them.

Circumstantial evidence may be of two kinds, consisting either of a number of independent links, each depending upon the other, in which case it is said that each link must be complete in itself,

and that the resulting chain cannot be stronger than its weakest link; or it may consist of a number of independent circumstances, all pointing in the same direction, in which case the individual circumstances may be compared to the strands in a rope, where no one of them may be sufficient in itself, but all together may be strong enough to prove the guilt of the defendant beyond a reasonable doubt, or to establish his innocence as the case may be, or to preponderate the scales one way or the other in a civil cause.

Now let me illustrate. Were we to undertake to lift a heavy object weighing two or three tons with a hundred single strands of wire all the wires would break; but when they are twisted together into a rope or cable of a hundred strands, and one end of the cable is attached to the drum of a steam skidder and the other to a tree weighing two or three tons we can swing the tree from mountain top to mountain top.

It is not the strength of the individual strands, but the greater power of the combined strands in the twisted rope that lifts the load.

If all the rills that make the river were to pursue separate and independent channels to the sea, the dry earth and the burning sands of the desert and the scorching sun above would drink up and evaporate the rills; but unite the rills; and a mighty river with majestic sweep will flow down through the valleys and across the plains carrying upon its limpid surface the treasured cargoes of a Nation's commerce.

One rill will not make a creek nor one creek a river; but when the scattered rills and springs and creeks come together, a river is formed; and when the rivers congregate, and their waters unite and commingle, they constitute the turbulent ocean on whose heaving bosom the destinies of the world are determined.

If you could separate the rays of light, though you might fill the earth with rainbow tints yet you would destroy the world's beauty and its greatest arts and perhaps life itself.

A world illumined only by the dim, uncertain light of the individual stars, or the pale, shimmering rays of the moon, would be a dark and gloomy world indeed; it is only when the rays of light are blended in unity that the sun becomes the great central, governing body of the solar system, and the chief source of heat and warmth and light, making possible life and progress and civilization on the earth.

And as the blazing comet causes all the stars to turn pale as it passes, so circumstantial evidence, when its chain is forged into a consecutive series of interlocking links, may sweep falsehood before the light of truth as night's black shadows, at the first blush of the awakening Dawn, flee before the advancing light of the rising sun.

And so when you were empaneled to try this cause the scales was poised, the balances level, and you wondered what the testimony would disclose. But as the evidence was developed you have seen link after link forged in the chain of circumstances until the chain is complete and welded together; you have seen the strands twisted together into an unbreakable rope and wonder has vanished from your minds like clouds scurrying before the winds.

Longefellow, in "Evangeline", tells in beautiful blank verse a conversation between the Notary Public and the blacksmith in which the possibility of injustice and tragedy is pointed out when circumstantial evidence alone is relied on. Said the blacksmith:

"Daily injustice is done, and might is the  
right of the strongest!"

But without heeding his warmth, continued  
the notary public,—

"Man is unjust, but God is just; and  
finally justice

Triumphs; and well I remember a story,  
that often consoled me,

When as a captive I lay in the old French  
fort at Port Royal."

This was the old man's favorite tale, and  
he loved to repeat it

When his neighbors complained that any  
injustice was done them.

"Once in an ancient city, whose name I no  
longer remember,

Raised aloft on a column, a brazen statue  
of Justice

Stood in the public square, upholding the  
scales in its left hand,

And in its right a sword, as an emblem  
that justice presided



Over the laws of the land, and the hearts  
and homes of the people.  
Even the birds had built their nests in the  
scales of the balance,  
Having no fear of the sword that flashed  
In the sunshine above them.  
But in the course of time the laws of the  
land were corrupted;  
Might took the place of right, and the weak  
were oppressed, and the mighty  
Ruled with an iron rod. Then it chanced  
in a nobleman's palace  
That a necklace of pearls was lost, and  
erelong a suspicion  
Fell on an orphan girl who lived as a maid  
in the household.  
She, after form of trial condemned to die  
on the scaffold,  
Patiently met her doom at the foot of the  
statue of Justice.  
As to her father in heaven her innocent  
spirit ascended,  
Lo! o'er the city a tempest arose; and the  
bolts of the thunder  
Smote the statue of bronze, and hurled in  
wrath from its left hand  
Down on the pavement below the clattering  
scales of the balance,  
And in the hollow thereof was found the  
nest of a magpie,  
Into whose clay-built walls the necklace  
of pearls was interwoven!"

---

### THE TRACKS OF GOD.

We are told in history that when Napoleon Bonapart, the great military hero of France, had led the victorious army of the French Empire through Egypt, they encamped one night beneath the shadow of the great pyramids.

And while they were engaged in pitching their tents Napoleon was told by one of his soldiers that the place they had selected for their camping ground had been recently used as the camping ground of a caravan.

A little later on, as the great man of destiny was walking back and forth he overheard an argument between this soldier and another, in which they were discussing the great theme of religion, and the soldier who had spoken about the caravan was making the assertion that there is no God and was urging as a reason for his belief that no man had ever beheld his face. And then Napoleon interposed and enquired: "My friend, did you not tell me a while ago that we had made our camp on the recent camping ground of a caravan?" And the soldier admitted that he had; and Napoleon enquired: "Well, did you see the caravan?" And the soldier admitted that he had not, but replying further said: "But sire, I saw the tracks of the camels; I saw the recent imprint of human feet; I saw the smouldering ashes of recent camp-fires; I saw the tracks, and by means of these tracks I am as fully satisfied and convinced that we have camped on a spot recently occupied by a caravan, as I would be had I seen it with my own eyes." And then Napoleon replied: "Well, my friend, turn and behold with me the glories of the setting sun; look back at the grandeur of the rising moon; look up at the countless millions of twinkling stars in the heavens. These are some of the tracks of God. We feel his power in the quiver and tremor and convulsions of the earthquake. We recognize his might in the rolling waves of every storm-tossed ocean. We behold his frown upon the dark pavilions of every storm-cloud. We hear his whisper upon the wings of every passing zephyr. We listen to his song in the ever-murmuring anthem of the sea. The sunshine is his smile; the thunder is his voice; the lightning is his messenger, and when I look upon these forces of nature,—the forces of Order and not of Chance, I know that I have seen the tracks of God; and this evidence, convinces me of His existence as fully as if I had looked upon His majestic face."

---

### THE SILENT WITNESS.

When Jesus of Nazareth was crucified, one of his Disciples, Joseph of Arimathea, importuned Pilate to deliver the body to him

so that his Master would not be buried in the Potter's Field, the customary burial place for criminals who had been condemned.

In the place where He was crucified there was a garden, and in the garden a new sepulcher which Joseph had hewn from the solid rock for his own resting place, and in which no man had ever yet lain. When Joseph and Nicodemus, another of his Disciples and friends, had arrayed the body of the crucified Savior in the garments of death they buried him in his new made tomb.

And on the morning of the third day Mary Magdalene, Mary the mother of James, and Salome, went to the tomb and found it empty. And when Mary Magdalene had carried to the Disciples the message of the risen Lord, Peter and John, amazed and unbelieving, hastened to the place, and they too found an empty tomb.

Tradition tells us that in the year 326 A. D., the Empress Helena, mother of Constantine the Great, directed the excavations on the Hill of Golgotha, which resulted in the finding of the Cross of Christ, and the holes in the rock where the three crosses had been planted; and it is a historic fact that a short time thereafter Constantine, the son of Helena and Christian Emperor of Rome, erected over the place of the crucifixion and the tomb of Christ the church of the Holy Sepulcher, which with the additions made from time to time through the passing centuries, has stood there, and still stands, like a sentinel, guarding the place where the Savior died and the empty tomb in which He was buried.

I have been to Mount Vernon, and have stood by the open door of the tomb of Washington, and I know that within its walls the ashes of the Father of his Country rest.

I have been to the home of Thomas Jefferson, in the mountains of his beloved Virginia; I have stood beside his tomb, and with uncovered head have read the beautiful epitaph he wrote for himself, and I know that inside that tomb sleep the mortal remains of the Sage of Monticello.

I have stood by the burial place of Robert E. Lee, beneath the church he built in his lifetime, and I know that inside that tomb the bones of the hero of a hundred bloody battle-fields lie buried.

And so when the traveler goes to the tomb of Napoleon he knows that within that "Magnificent sarcophagus of gilt and gold rest the ashes of that restless man", because authentic history tells him that the dead body of the Man of Destiny was carried back from



the lonely Island of St. Helena and buried there on the banks of the historic Seine.

And when the traveler visits Thebes and Karnak and the Valley of the Kings in Egypt, he may still go into the subterranean chambers which the Pharaohs dug more than four thousand years ago and there gaze upon the mummified forms of the ancient Egyptian Kings.

But over yonder in far off Jerusalem, beneath the Dome of the Church of the Holy Sepulchre, there is still that empty tomb, where for three days the crucified form of a God lay buried; and I ask, What does it mean? What does it prove? And as I listen, the silence of more than nineteen centuries echoes the answer back to me that the Son of Man went with the Pale Monarch into the darkness of that silent tomb only to undermine its strongholds; to kindle the Star of resurrection in its dismal vaults; to cement the past to the future; and then return to that heaven whence He came to prepare a place for you and for me.

---

#### REASONABLE DOUBT—ILLUSTRATED.

The defendant swore that he was coming down the road riding a mule. He swore that when he reached this bend in the road he met the deceased, who was walking; that the deceased started an altercation with him and threatened to cut his throat, and then spring toward him with his open knife drawn in striking position and in striking distance; that his mule was backed up against the bank so that he could not escape, and that he fired the fatal shot to save himself. The defendant proved a good character by a number of worthy men, and as there were no eye witnesses to the homicide the counsel for the defendant insist that his testimony must be accepted as true. The uncontradicted evidence is that within a short time after this homicide was committed the witnesses for the State were on the ground. They are men of unquestioned character; and they swear that the road at the point where the defendant says the fatal shot was fired and where the deceased fell and was later found, was composed of soft red clay and that there was not a mule track on either end of the road within half a mile of the place where the defendant himself swears that the homicide occurred!

Now let us see. Suppose that tonight a ten inch snow should fall in Franklin so that everywhere the ground would be covered with a mantle of white. Then suppose that tomorrow morning before you left your room one of your neighbors—a neighbor who had always borne an upright character, were to come to your room and tell you that he had seen an elephant enter Main Street at the west end of town and walk all the way down the middle of the Street to where it connects with the Dillsboro road. Now what would be the state of your mind? You would have the statement of a man who had always borne a good character. It would be an assertion which, although of an unusual occurrence, might be true. An elephant could have escaped from a traveling circus and roamed around until it reached the town of Franklin. But in order to satisfy your mind the natural thing for you to do would be to go at once to Main Street and see for yourself whether your neighbor had told the truth. Then suppose that when you reached Main Street you should find it still wrapped in a blanket of unbroken snow, undisturbed by the track of a human being or of a bird or of an elephant or anything else? What would the state of your mind be then? Of course, the irresistible conclusion would be that your neighbor, notwithstanding his good character, had told you a deliberate falsehood; for while it is possible that an elephant could have escaped and walked down the Main Street of Franklin, it is impossible that it could have done so without leaving its tracks in ten inches of undisturbed snow!

And also in this case, while it is possible that this defendant, while sitting on the back of his mule, fired the shot that snapped out the life of his defenseless victim; yet I know and you know that he was not on his mule when he fired that deadly shot, because the evidence conclusively shows that there was not a mule track within half mile of that fatal spot; and the mule could not have been there without leaving its tracks. And so, if the defendant has sworn falsely in this particular, by what rule of faith or law or logic can you accept his version of any part of this unfortunate tragedy?

## A REAL MAN.

Not—"How did he die?"  
But—"How did he live?"  
Not—"What did he gain?"  
But—"What did he give?"

These are the units  
To measure the worth  
Of a man, as a man,  
Regardless of birth.

Not—"What was his station?"  
But—"Had he a heart?"  
And—"How did he play,  
His God-given part?"

"Was he ever ready  
With a word of good cheer?"  
"To bring back a smile?"  
"To banish a tear?"

Not—"What was his church?"  
Nor—"What was his creed?"  
But—"Had he befriended  
Those really in need?"

Not—"What did the sketch  
In the newspaper say?"  
But—"How many were sorry  
When he passed away?"



## THE TRUE OBJECTS OF PITY.

The child that's neglected and downcast and sad,  
The poor little waif whose heart's never been glad,  
The outcast's forced smile, when you know the heart's  
    broken,  
The appeal from the eye, when not a word's spoken;  
The cringing and slinking of a starving stray cur,  
The poor castaway cat with its pitiful purr;  
The man who's lost out in the battle of life,  
The woman passed by in the hurry and strife;  
The pains and the sorrows of the weak and down-trod—  
To feel for, and help these, is to be near God.

—*Samuel F. Mordacai.*

---

## THE LIFTER AND THE LEANER.

There are two kinds of people on earth today;  
Just two kinds of people, no more I say.  
The two kinds of people on earth, I mean,  
Are the people who lift, and the people who lean.

Wherever you go you will find the world's masses  
Are always divided in just these two classes.  
And oddly enough, you will find too, I mean  
There is only one lifter to twenty who lean.

In which class are you? Are you easing the load  
Of over-taxed lifters who toil down the road?  
Or are you a leaner, who lets others bear  
Your portion of labor and worry and care?

—*Author Unknown.*

## THE BRIDGE BUILDER.

An old man, going a lone highway,  
Came at the evening, cold and gray,  
To a chasm vast and deep and wide.  
The old man crossed in the twilight dim,  
The sullen stream held no fear for him;  
But he turned when safe on the other side,  
And built a bridge to span the tide.

"Old man", said a fellow pilgrim near,  
"You're wasting your strength with building here;  
You never again will pass this way;  
You've crossed the chasm deep and wide,  
Why build you this bridge at eventide?"  
The builder lifted his old gray head:  
"Good friend, in the path I have come," he said,  
"There followeth after me today  
A Youth whose feet must pass this way.  
This chasm which has been as naught to me,  
To that fair-haired youth may a pitfall be;  
He, too, must cross in the twilight dim;  
Good friend, I am building the bridge for him."

—Miss Will Allen Dromgoole.

---

## JUSTICE, TRUTH AND MERCY.

When God conceived the thought of man's creation, He called to Him three ministers who constantly wait upon the Throne—Justice, Truth and Mercy—and thus addressed them: "Shall we make man?" Then said Justice, "O, God, make him not, for he will trample upon thy laws." Truth made answer also, "O, God, make him not for he will pollute the sanctuaries." But Mercy, dropping upon her knees, and looking up through her tears, exclaimed: "O, God, make him, I will watch over him with my care through all the dark paths he may have to tread."

Then God made man and said to him, "O, Man, thou art the child of Mercy; go and deal mercifully with thy brother."

## WOMAN.

The great Persian philosopher, Sadi, tells of a man and woman who started out together. The days of the man were lighted with sunshine, his nights by stars. He reached the end of his journey at the gates of God and demanded his reward like a victor. Not so the woman. She listened to the allurements of hope and the whisperings of love. She wandered through devious ways, where her hands were torn and her feet were bruised and her heart was made to bleed. She, too, reached the gates at last, not standing, but on her knees, not a victor, but as one vanquished. Her only cry was: "Lord, be merciful!" The great Master called Amalfi, the Angel of Judgment, to judge her. Amalfi took the woman away. When they returned, her face was radiant, her tears were dry. The Master demanded of Amalfi: "How have you judged her?" He said: "Oh, Good Master, as one who was miserable; a woman in agony, whose days have been sadness, whose nights all misery!" And the Master said: "Stand up, come forth, and be free, for it is for such as thou that God gave his strength to men that they might take woman by the hand and lead her to where she may hear the Christ say, 'Come unto me all ye that labor and are heavy laden and I will give you rest.'" Then the Hosannas of the Angels rang out their approval as God exclaimed: "With what judgment ye mete out to men, that judgment shall be meted unto you by your Father in heaven."

—*American State Trials.*

---

"She was a woman, worn and thin,  
Whom the world condemned for a single sin.  
They cast her out of the king's highway,  
And passed her by as they went to pray.

He was a man and more to blame,  
But the world spared him a breath of shame.  
Beneath his feet he saw her lie,  
But he raised his head and passed her by.

There were the people who went to pray  
At the Temple of God on the holy day.  
They scorned the woman, forgave the man,  
It was ever thus since the world began.



Time passed on and the woman died,  
And on the cross of shame was crucified,  
But the world was stern and would not yield,  
And they buried her in the potter's field.

The man died too, and they buried him  
In a casket of cloth with a silver rim,  
And said, as they turned from his grave away,  
"We've buried an honest man today."

Two mortals knocked at Heaven's gate,  
And stood face to face to inquire their fate.  
He carried a passport with earthly sign,  
And she a pardon from Love Divine.

O! ye who judge 'twixt virtue and vice,  
Which think ye entered Paradise?  
Not he whom the world had said would win,  
For the woman alone was ushered in."

---

### OPPORTUNITY.

"Master of human destinies am I!  
Fame, love and fortune on my footsteps wait.  
Cities and fields I walk! I penetrate  
Deserts and seas remote, and passing by  
Hovel and mart and palace, soon or late  
I knock unbidden once at every gate.  
If sleeping, wake; if feasting rise before  
I turn away. It is the hour of fate,  
And they who follow me reach every foe  
Save death; but those who doubt or hesitate,  
Condemned to failure, penury and woe,  
Seek me in vain and uselessly implore;  
I answer not, and I return no more."

—Senator John J. Ingalls.

## HE WAS DOWN AND OUT.

"He was down and out, and his pluck was gone,  
And he said to me in a gloomy way:  
'I've wasted my chances one by one,  
And I'm just no good as the people say.  
Nothing ahead and my dreams all dust,  
Though once there was something I might have been,  
But I wasn't game and I broke my trust,  
And I wasn't straight and I wasn't clean.'

'You're pretty low down', says I to him,  
But nobody's holding you there, my friend,  
Life is a stream where men sink or swim,  
And the drifters came to a sorry end;  
But there's two of you living and breathing still—  
The fellow you are, and he's tough to see.  
And another chap if you've got the will,  
The man that you still have the chance to be.'

He laughed with scorn, 'Is there two of me?'  
I thought I had murdered the other one.  
I once knew a chap that I hoped to be,  
And he was decent but now he's gone.'  
'Well,' says I, 'It may seem to you  
That life has little of joy in store.  
But there's always something you still can do,  
And there's never a man but can try once more.

There are always two till the end of time—  
The fellow you are and the future man.  
The Lord never meant you should cease to climb  
And you can get up if you think you can.  
The fellow you are is a sorry sight;  
But you needn't go drifting out to sea,  
Get hold of yourself and travel right;  
There's a fellow you've still got a chance to be.'"

—*Author Unknown.*

## COURAGE IN LIFE.

Did you tackle the trouble that came your way  
With a resolute heart and cheerful  
Or hide your face from the light of day  
With a craven heart, and fearful?  
Oh, a trouble's a ton or a trouble's an ounce,  
Or trouble is what you make it;  
And it isn't the fact that you're hurt that counts,  
But only how did you take it.

You're beaten to earth, well, well, what's that?  
Come up with a smiling face.  
It's nothing against you to fall down flat,  
But to lie there—that's disgrace.  
The harder you're thrown, why, the higher you bounce;  
Be proud of your blackened eye.  
It isn't the fact that you're licked that counts,  
It's how did you fight, and why?

And though you be done to death, what then?  
If you battled the best you could;  
If you played your part in the world of men,  
Why the critics will call it good.  
Death comes with a crawl or comes with a pounce,  
And whether he's slow or spry,  
It isn't the fact that you're dead that counts,  
But only how did you die.

—*Edmund Vance Cook.*

---

## COURAGE OF HOPE—NEW YEAR RESOLUTION.

As a dead year is clasped in a dead December,  
So let your dead sins with your dead days lie.  
A new life is yours and a new hope. Remember  
We build our ladders to climb to the sky.



Stand out in the sunlight of promise, forgetting,  
Whatever the past held of sorrow or wrong.  
We waste half our strength in useless regretting;  
We sit by old tombs in the dark too long.

Have you missed in your aim? Well, the mark is still shining.  
Did you faint in the race? Well, take breath for the next.  
Did the clouds drive you back? But see yonder lining.  
Were you tempted and fell? Let it serve as a text.

It is never too late to begin rebuilding  
Though all into ruins your life has been hurled,  
For see how the light of the New Year is gilding  
The wan, worn face of the bruised old world.

—*Author Unknown.*

---

### ON LYING DOWN.

If to grumbling you are inclined  
Every time a plan goes wrong,  
Grumble on and ease your mind,  
But keep plodding right along.  
Grit your teeth and wear a frown,  
But keep walking straight ahead.  
There's no use in lying down  
Till it's time to go to bed.

If ill luck has come your way,  
Keep on fighting as you sigh;  
While with wailing loss you stay  
Life's parade goes marching by.  
Never mind what's come and gone,  
Waste no time on chances fled;  
Forward march and carry on  
Do your lying down in bed.

When misfortune deals a blow,  
Be your body bruised and black,  
There is just one way to go;  
There can be no turning back.  
While you've strength to walk the town  
Stand up straight and look ahead,  
There's no sense in lying down  
Till it's time to go to bed.

—*Edgar A. Guest.*

---

### THE TEST OF A MAN.

The test of a man is the fight he makes,  
The grit that he daily shows;  
The way that he stands on his feet and takes  
Fate's numerous bums and blows.

The coward can smile when there's naught to fear,  
And nothing his progress bars;  
But it takes a man to stand up and cheer,  
While some other fellow stars.

It isn't the victory after all,  
But the fight that a human makes;  
The man, who, driven against the wall,  
Stands erect and takes

The blows of fate with his head held high,  
Bleeding and bruised and pale,  
Is the man who'll win in the by and by,  
For he isn't afraid to fail.

It's the bumps we take and the jolts we get  
And the shock that our courage stands;  
The hours of sorrow and vain regret,  
And the prize that escapes our hands,

That test our metal and prove our worth;  
It isn't the blows we deal,  
But the blows we take on this good old earth  
Which prove that life is real.

—*Edgar A. Guest.*

## NOW I LAY ME DOWN TO SLEEP.

After an American soldier had been killed in France, his pockets were examined, and the following lines, sweet as childhood's kisses and sad as the tears of sorrow, written in his own handwriting, were found:

"When my sun of life is low,  
When the dewy shadows creep,  
Say for me before I go,  
'Now I lay me down to sleep.'

I am at the journey's end,  
I have sown and I must reap,  
There are no more ways to mend—  
'Now I lay me down to sleep.'

Nothing more to doubt or dare,  
Nothing more to give or keep,  
Say for me the children's prayer:  
'Now I lay me down to sleep.'

Who has learned along the way,—  
Primrose path or stony steep,—  
More of wisdom than to say:  
'Now I lay me down to sleep.'

What have you more wise to tell,  
When the shadows 'round me creep,  
All is over, all is well,  
'Now I lay me down to sleep'."

---

 THE BEST MEMORY SYSTEM

Forget each kindness that you do as soon as you  
have done it;  
Forget the praise that falls to you the moment  
you have won it;  
Forget the slander that you hear before you can  
repeat it;  
Forget each slight, each spite, each sneer, wherever  
you may meet it.



Remember every kindness done to you whate'er  
its measure;  
Remember praise by others won and pass it on  
with pleasure;  
Remember every promise made and keep it to the  
letter;  
Remember those who lend you aid and be a grateful  
debtor.

Remember all the happiness that comes your way  
in living;  
Forget each worry and distress, be hopeful  
and forgiving;  
Remember good, remember truth, remember heaven's  
above you,  
And you will find, through age and youth, that many  
hearts will love you.

—*Author Unknown.*

---

### THE WAY OF THE WORLD.

Laugh, and the world laughs with you;  
Weep, and you weep alone.  
For the sad old earth must borrow its mirth,  
But has trouble enough of its own.  
Sing, and the hills will answer;  
Sigh, it is lost on the air.  
The echoes bound to a joyful sound,  
But shrink from voicing care.  
  
Rejoice, and men will seek you;  
Grieve, and they turn and go.  
They want full measure of all your pleasure,  
But they do not need your woe.  
Be glad, and your friends are many;  
Be sad, and you lose them all.  
There are none to decline your nectared wine,  
But alone you must drink life's gall.

Feast, and your halls are crowded;  
Fast, and the world goes by.  
Succeed and give, and it helps you live,  
But no man can help you die.  
There is room in the halls of pleasure  
For a long and lordly train,  
But one by one we must all file on  
Through the narrow aisles of pain.

—*Ella Wheeler Wilcox.*

## CHAPTER XII.

### THE CAROLINA MOUNTAINS.

*And that ye may prolong your days in the land which the Lord sware unto your fathers to give unto them and their seed, a land that floweth with milk and honey . . . But the land, whither ye go to possess it, is a land of hills and valleys, and drinketh the water of the rain of heaven; a land which the Lord thy God careth for; the eyes of the Lord thy God are always upon it, from the beginning of the year even unto the end of the year.*

DEUTERONOMY, Chapter 12: 9, 12.

For a long time it has been my purpose to write something about the origin, character, characteristics, development and progress of the Western North Carolina Mountaineers. In recent years many newspaper and magazine articles have appeared, and several books have been written about our mountain people. I have read all of them, and I make bold to assert that these articles and books furnish abundant and convincing internal proof that their authors had not possessed themselves of the facts, or if they knew the facts that would truly portray the character and condition of our people, they did not care whether the pictures which they attempted to paint represented truth or falsehood. The newspaper and magazine articles that I have read are based upon prejudiced hearsay, and, with very few exceptions, the authors of these books and articles, at the very most, spent only a few weeks or months in the mountains, and with such limited opportunities for acquiring correct information could not possibly write true picture of our mountaineers, and, therefore, could not qualify to offer reliable opinions or judgments about them.

Horace Kephart, the author of "Our Southern Highlanders", who lived for about eighteen years in Swain County, and Miss Margaret Morley, of Boston, the author of "The Carolina Mountains", who spent sufficient time here—ten or twelve years—to



enable her to visit most of our mountains, have written by far the best books that have been written about our mountain section.

Both of them tell us more about the mountains, their altitude, their fauna and flora, and especially their trees and shrubs and flowers than our own people ever knew from any other sources. Both of them testify to the inherent integrity, honesty, and fine rugged character of our mountaineers, but they, like all other writers about our people, assert repeatedly that we are still living in the early days of the eighteenth century; that we know nothing of the great world beyond the rim of the mountains, and both of them describe conditions among those whom they are pleased to designate as the *typical, average* mountaineer—the masses—which I know of my own knowledge never did exist, except perhaps in rare isolated instances, or in the overwrought imaginations of the writers themselves. (For example, Mr. Kephart, in his "Our Southern Highlanders", at page 321, tells us that, "When speaking of Southern mountaineers I mean the *mass*, or the *average*, and the pictures here presented are typical of that mass." Miss Morley, in "The Carolina Mountains", tells at page 163: "When looking at the *average* highlander, with his bent back, his narrow shoulders and lean frame, one suspects that back of everything the people are starving—not so much physically as mentally and spiritually.") Miss Morley's book was published in 1912, at a time in our history when we proudly boasted that every setting sun shone upon the last touch of paint placed upon a modern school building in our section; and the last edition of Mr. Kephart's book was published in 1926, at a time when a concrete highway, leading from Beaufort to Murphy, ran within six feet of the steps of the hotel in which he lived in health and comfort for eighteen years in the thriving and progressive town of Bryson City; and when every Township in Swain County was connected with modern highways.

They, like all other writers about our people, write to be interesting and not to tell the truth; their primary object, with respect to what they say about our mountaineers being, to write books that would sell in the North; because they knew that if they had written the truth about our people they would have written the same story that would be true of the people of any other rural section in the United States, although it is my belief that they could with pro-

priety and truth have said that the average of our citizenship is above the average in rural sections anywhere else.

I have a friend in Jackson County, Jacob Stuart by name, who worked with me on my father's farm before I was grown. We formed a friendship then that has ripened with the years. He is a prosperous farmer, and by his industry and thrift he and his family have always lived in comfort. After I came to the Bar I rendered him professional services on several occasions for which I declined to accept compensation. Some years ago when I was attending Court in Jackson County, my friend came to me in great distress. He had signed an appearance bond for a young man who was indicted for a misdemeanor; but he failed to appear in pursuance of the requirements of the bond and the bond was forfeited and a judgment of \$500.00 had been rendered against my friend Stuart, and now execution had been issued to enforce its collection. I made an investigation and found that a day or two after this judgment had been rendered the defendant came in, stood his trial and was acquitted. Upon filing a petition and motion I obtained a decree striking out and cancelling this judgment against my friend. He desired at once to know the amount of my fee. I told him I would not accept any compensation, but would charge it to old times' sake. Then, after expressing his deep gratitude, he said: "You and your boys are always doing me some service without charge. Now, I want to say that if you ever do want me to do anything for you, I will do anything you ask of me except to swear a durned lie for you; but if you should ever need me to swear for you I would be willing to swear a little to the rise of the truth!"

I am not an extensively traveled man; but in recent years I have had the opportunity to travel over some twenty-two of our States, largely by automobile, and I have seen many people—white, black, red, brown, yellow, and *green*, from every civilized land on earth; and if I were called upon to make a comparison I would say that the average citizenship of our mountain section is "a little to the rise" of any that I have had the opportunity to observe elsewhere.

Later on, in the forthcoming pages I shall call attention to many statements in these books and periodicals that are not only misleading but have no basis in fact. They are filled with the pictures of old dilapidated log cabins, and the assertion is repeated many times that these cabins constitute the *typical* homes of the *typical* mountaineers in Western North Carolina. But they have no pictures of

the handsome residences, the beautiful cottages and splendid homes that adorn the towns and countrysides. They make no mention of the fine, modern school buildings in every community in which eight months' schools with an ample corps of competent teachers, are conducted every year.

They say nothing of the imposing churches that crown the hills, into which our people are wont to go, in humility of spirit and with contrite hearts, to worship the God they adore.

They speak not of our distinguished men—mountain-bred and mountain-born and mountain-reared—who have acquired State-wide reputations and national fame.

They are silent about the average men and women of the mountains—the common people or middle class—the record of whose lives and achievements constitutes the true history of our mountaineers, just as such records constitute the true history of the people of every civilized land. Contrary to law, logic, and justice, they undertake to prove the general rule by citing the exceptions to it.

I do not for a moment claim that I am qualified to write the story of our mountain people as it deserves to be written. But I believe I can, with pardonable assurance, assert the claim that I know infinitely more about our mountain section and the people who dwell therein, than Mr. Kephart, or Miss Morley, or any other person who has so far essayed to tell the world about either. If I am willing to admit, as I have no hesitation in doing, that I do not possess the educational qualifications and literary skill necessary to enable me to do full justice to my subject, I know, that without unseemly egotism, I may claim that my age, observation, and experience at least qualify me as a competent witness.

Let us see. Sixty-six years ago today I was born within the shadows of one of our high and majestic mountains—Whiteside—whose rugged cliffs and crags rise above the clouds at an altitude of 5,400 feet. For sixty-six years I have lived and labored among our templed hills, except for the time that I have been temporarily absent on political, professional, or official business. Through these years I have visited practically every community in all the mountain Counties; and I am almost as familiar with them as I am with my own front yard.

I have delivered education addresses, political speeches, and religious lectures in most of the school houses, in all of the Court-



houses, and in many of the churches. I have often appeared in important lawsuits in most of the mountain Counties, and have presided many times in the Courts of all of them. I have been entertained, with hospitality fit for a King, in many hundreds of our mountain homes, from the poorest and humblest to the richest and most prosperous.

I have had countless professional, official, and social relations and contacts with unnumbered thousands of my mountain neighbors; and I unhesitatingly assert that at no time in my sixty-six years of life, and at no place that I have visited in any of our mountain Counties, have I ever observed or heard of the conditions of poverty, want, ignorance, desolation, and distress, such as are related in the books of Mr. Kephart, Miss Morley, and in the other books and periodicals that I have read about the people of the Carolina Mountains.

Then, what of the country in which the Carolina Mountaineers dwell?

When the first settlers came to the mountains, the State of North Carolina embraced the entire Blue Ridge Range from Virginia to South Carolina and Georgia; all of the Unaka Range from the Virginia line to the Georgia line, and the South side of the Cumberlands.

After our State ceded to the United States the territory now embraced within the State of Tennessee, the Northern side of the Unaka Range and the Southern side of the Cumberlands became Tennessee Territory. This occurred by virtue of the Deed of Cession from the State of North Carolina to the United States covering the present State of Tennessee, dated February 25, 1790. The description in this Deed of Cession states that it follows Iron Mountain to where Nolichucky River runs through the same; thence to the top of the Bald; thence along the extreme height of said mountain to the Painted Rocks on the French Broad River; thence along the ridge of said mountain to the place where it is called the great Iron or Smoky Mountains (now within the Great Smoky Mountains National Park); thence along the extreme height of the said Mountain to the place where it is called Unicoi or Unaka Mountain between the Indian towns of Cowee and old Chota; thence along the main ridge of said Mountain to the Southern boundary of this State, etc. (See History of Land Titles in Western North Carolina, by George H. Smathers, at page 21.)

With respect to the Counties in North Carolina that should be included in the term, "Carolina Mountains", there are differing opinions.

On the editorial page of the Asheville Citizen, in its issue of September 4, 1938, under the heading, "Some Comparisons", the size of the mountain section of North Carolina, as therein defined, is compared with several States of the American Union, certain European Countries, and other countries of the world. It is there shown that the twenty-three Counties mentioned, have a combined total area of 9,254 square miles, and is larger than Massachusetts, New Hampshire, Vermont, Rhode Island, New Jersey, Delaware, or Connecticut. It is nearly twice as large as Connecticut, and is but little smaller than New Jersey and Delaware combined; while Maryland is but slightly larger. This comparison also shows that our section is more than one hundred and forty-two times as large as the European Kingdom Liechtenstein; that our section is nine times larger than Luxembourg; larger than either Wales or British Honduras; nearly as large as Palestine or Sicily; three-fourths as large as Holland; three-fifths the size of Switzerland, and nearly as large as Belgium. In making this comparison the combined area of the following twenty-three Counties was included: Allegheny, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga and Yancey.

I do not agree to the above classification of mountain Counties. There is no more reason for including Catawba in the list of mountain Counties than there would be to include, Cleveland, or Lincoln, or Alexander, or any other County in the Piedmont section which lies beyond the base of the mountains. So, leaving Catawba out of the list, I maintain that Wilkes, Surry and Stokes should be included. There exists the same reason for designating the three last named as "Mountain Counties", as the reasons which make proper the inclusion of Caldwell, McDowell, Polk, Rutherford and Watauga, namely, that the western and northern boundaries of all of them extend to the top of the Blue Ridge.

Stokes County covers less of the Blue Ridge than any of the others mentioned, but it is as mountainous as Haywood, and boasts a separate mountain range of its own—the Sauerton Range—so named for a tribe of Indians occupying the adjacent territory in

the long ago. While it is referred to as a separate, distinct range of mountains, it is undoubtedly a part of the Blue Ridge Range. The towering cliffs are of the same color and character and the blue haze that is always present in the Blue Ridge Range, and from which it derived its name, is present here also. Moore's Knob, toward the eastern end of the range is 2085 feet high, being one hundred feet higher than Asheville, which is 1985 feet; while Pilot Knob, at the western end, stands like a great round, black tower at an elevation of 2700 feet.

Surry County is much more rolling and hilly than Cherokee, and extends to the top of the Blue Ridge at an altitude of 4050 feet at Fisher's Peak. Wilkes County is as mountainous as Macon, and it also has a mountain range of its own—the Brushy Mountains—a spur of the Blue Ridge, which extends clear across the County into Alexander.

These three additional Counties, which I include in my designations of the "Carolina Mountains", were settled by the same stock of people who later settled the other mountain Counties—Scotch-Irish and English—to which were still later added large numbers of Dutch people who came down from Pennsylvania; while most of the Counties to the South and East, throughout the Piedmont, had a large sprinkling of Germans, Moravians, and Quakers in addition to their Scotch-Irish, English, and Dutch settlers.

When Wilkes, Surry and Stokes are added to the list of Mountain Counties mentioned by the Asheville Citizen, with Catawba out, the real mountain section of the State includes twenty-five Counties, containing 10,587 square miles, with a population, according to the 1940 census of 640,575.

The Unaka Range, so named by the United States Geological Survey, constitutes the boundary line between North Carolina and Tennessee. This range is cut into mountains of separate names by several rivers which have their source on the western and northern slopes of the Blue Ridge—the Nolochucky, which is formed by the Cane River and the North and South Toe; the French Broad, the Pigeon, the Little Tennessee, and the Hiawassee, which, with their numerous tributaries, drain all the land between the Blue Ridge and the Unaka Ranges.

The several mountains constituting the Unaka Range, thus separated by the Rivers named, are known as the Iron, the Northern



Unaka, the Bald, the Great Smoky, and the Southern Unaka or Unicoi Mountains. Both the Unaka and the Blue Ridge Ranges extend in a Northeast and Southwest direction, but they are connected by a number of cross Ranges which extend more nearly Northwest and Southeast—the Tusquittee, the Nantahala, the Cowee, the Balsam, the Pisgah, the Newfound, the Black, the Yellow, the Roan, the Beach, and the Stone, with well-nigh innumerable smaller mountains and ridges between.

The Unaka Range has one hundred and twenty-five peaks that are above 5,000 feet high and ten that are above 6,000 feet in elevation. The cross ranges above mentioned have, all told, one hundred and fifty-six summits which rise above 5,000 feet, and thirty-six that are above 6,000 feet above the level of the sea. In the Balsam Range alone there are fifteen summits exceeding 6,000 feet in altitude.

Mr. Kephart says that the Blue Ridge from beginning to end, has but seven peaks that rise above 5,000 feet; but in this I know he is mistaken. Only a few days ago I went just across the Ashe County line into Grayson County, Virginia, to the top of White Top Mountain, which is 5678 feet above sea level, and just over to the East of it, four or five miles, is Mount Rogers or the Big Balsam, which has an elevation of 5719 feet. From the top of the first named, you see the Roan, marking the boundary line between North Carolina and Tennessee. Still looking to the West, and in plain view, are the Grandfather in Avery County, Elk Knob in Watauga, and Pound Mountain in Ashe; the Northern Unaka, the Iron and the Walker Ranges. To the Northwest, plainly visible, are the higher mountains of West Virginia, and just North of Independence, Virginia, stands Point Lookout. Also over to the East are the mountains in Allegheny County—Feeder's Mountain, Taylor's Mountain, Cheek's Mountain, and Bull Head, ranging from 4,000 to 4,500 feet in height.

In Ashe County, as I have been told by several who have lived there from Childhood, the Peak and Bluff Mountains are both about 5,000 feet, while the Niger near by and immediately to the South of Jefferson is 4784 feet high. Elk Knob, in Watauga County, is well above 5,000 feet, and the Grandfather in Avery is 5914 feet above sea level.

Whiteside, in Jackson County, is 5400 feet, and I have always been told that Mount Toxaway, or the Great Hogback, in Transyl-

vania County is higher than Whiteside; while Standing Indian in Macon County is 5563 feet, and just across the Georgia line in Rabun County is Rabun Bald, which reaches an altitude of 6,000 feet. So, if I have been correctly informed, there are ten peaks in the Blue Ridge that reach an elevation of over 5,000 feet, instead of seven as contended by Mr. Kephart, if we include the two mentioned just across the Virginia line and the one just over on the Georgia side.

There are many of these summits upon which you may stand and see the higher peaks in the Blue Ridge and Smoky Ranges, and the cross ranges between. From Wayah Bald, in the Nantahalas, you can see the higher peaks in nine different Counties, including Rabun Bald in Georgia, and on some of the higher summits in the Balsam Range you can see a much greater number, including Mount Mitchell, the highest of them all, which has an altitude of 6711 feet, and is the highest mountain East of the Rockies.

Until comparatively recent years it was everywhere understood, and was so taught in the school geographies, that Mount Washington in New Hampshire, which has an elevation of 6,293 feet, was the highest mountain in Eastern America. But in our own mountain section there are forty-six peaks and forty-one miles of intersecting ridges, that reach above 6,000 feet, and two hundred and eighty-eight mountains and some three hundred miles of dividing ridges that stand more than 5,000 feet above sea level.

We have more than 6,000 square miles of mountains, with an average elevation of 2700 feet, and twenty peaks that are higher than Mount Washington.

The Blue Ridge Range, although much lower than the Unaka Range and the short ranges that connect the two, constitutes the watershed for our entire mountain section. The streams which have their sources on the Southern and Eastern slopes flow through parts of North Carolina, South Carolina, and Georgia, and finally wind their tortuous courses into the Atlantic; but on its Northern and Western slopes there are hundreds of creeks and thousands of brooks and rivulets, with current swift as the rushing winds, foaming and roaring over the smaller cliffs, until many of them dash headlong from the summits of overhanging precipices hundreds of feet in elevation. These streams flow through the central plateaus and down through the valleys, and then under the names of the Toe, the French Broad, the Pigeon, the Little Ten-

nessee, and the Hiawassee, cut their way through the Unaka Range in dark gorges and deep ravines, until at last they reach the Tennessee, and then flow into the Ohio, and then empty into the Mississippi, to be carried on its mighty current into the Gulf of Mexico.

Miss Margaret Morley, in "The Carolina Mountains", at page 105, says that there is one river that breaks through the wall of the Blue Ridge and finds its way Eastward to the Atlantic. I respectfully submit that Miss Morley is mistaken in this assertion. Mr. Kephart, in "Our Southern Highlanders", at page 26 asserts that no one river cuts through the Blue Ridge to flow Eastward to the sea, but that to the contrary all of them finally flow into the Mexican Gulf. I am sure that Mr. Kephart is correct in this statement, for I have traveled on both sides of the Blue Ridge, all the way through Virginia, North Carolina, South Carolina, and Georgia, and have crossed the Ridge at scores of places in all these States, and I have yet to see a stream or to hear of one rising on its Northern or Western slope, and then cutting through to join the waters that flow into the Atlantic.

Our mountain region is one of the best watered regions in the world. The average rain-fall here is said to be greater than in any other section in the United States except in the country around Puget Sound in the Northwestern part of the State of Washington, and in the State of Florida.

In Florida, however, at Key West, the southernmost of the Florida Keys, it has registered as low as 22 inches; while here in our mountains the lowest recorded was 42 inches at Asheville, and on the Southern slopes of the Blue Ridge as high as 105 inches of rain-fall has been recorded in a single year; the average for the entire region being 73 inches a year.

When our pioneer ancestors crossed the Blue Ridge and the Unakas to settle our great mountain land, they found a vast, wild, and unexplored wilderness. The rich and fertile valleys—as rich as the Valley of the Nile—where now flourish well-kept farms, beautiful gardens, waving meadows, and modern homes, were then covered by primeval forests. And this fertility was not confined to the valleys alone. It extended through the ravines, over the ridges and clear to the mountain tops as attested then and now by the size and height of the stalwart oaks, the stately pines, the



magnificent poplars, and the majestic spruce, as well as the density and variety of other trees that adorn their slopes.

Then as now, the summits of the rugged hills and the lofty peaks of the towering mountains, waved in indescribable grandeur before the balmy breezes, their luxuriant crops of wild flowers and blossoming shrubs.

It has often been said by men who know the whole country, that there is a greater variety of merchantable timber in Western North Carolina than at any other place in the temperate zone. It is said that in our mountains there are at least one hundred and fifty different species of native trees that grow sufficiently large to be manufactured into lumber, one hundred and twenty different species growing in the Smoky Mountains alone. Mr. Kephart says at page 54 of "Our Southern Highlanders", that "When Asa Gray visited the North Carolina Mountains, he identified, in a thirty-mile trip, a greater variety of indigenous trees than could be observed in crossing Europe from England to Turkey, or in a trip from Boston to the Rocky Mountain plateau." Mr. Kephart also states at page 53: "In this region nearly all trees attain their fullest development. On North fronts the oaks reach a diameter of five or six feet. In cool, rich coves, chestnut trees grow from six to nine feet across the stump; and tulip poplars up to ten or eleven feet, their straight trunks towering like gigantic columns, with scarcely a noticeable taper, seventy or eighty feet to the nearest limb."

From my own observation I do not believe that the above statement is an exaggeration; and in Sondley's "History of Buncombe County", Volume 2, at page 571 and 572, I find the following statements: "There is a tulip tree, or poplar, near the Pigeon River in Haywood County, North Carolina, about eight miles from the Tennessee line, thirty-three feet in circumference at three feet from the ground, or eleven feet in diameter, and upwards of one hundred feet high. Another, on the Western slope of the Smoky Mountains in Tennessee, on the Little Pigeon River, is twenty-nine feet in circumference, four feet from the ground. About two miles farther up the same stream there is a hemlock, or spruce pine, nineteen feet and two inches in circumference at four feet from the base. On Jonathan's Creek (in Haywood County, North Carolina) there is a white oak nineteen feet in circumference at three feet from the ground. This list of large trees could be greatly extended,

but enough have already been cited to show the richness of those coves and valleys. The newspapers reported that on Saturday, August 9, 1930, at Murphy, in Cherokee County, North Carolina, a severe wind storm blew down in that town a white oak tree six or seven feet in diameter."

But sublime and majestic as are our wonderful mountains; enchanting and alluring as are our emerald-crowned forests; broad and extensive as are our fertile valleys; and glistening and sparkling as are our swiftly-gliding rivers and silvery streamlets, the surpassing beauty of the mountains is seen in the kingdom of wild flowers; for when Winter has folded his tent, wrapped himself in his mantle of snow and retired to his home on the shores of the far-off frozen zone, and spring has come to blow her mellow horn, at the persuasive touch of April's showers and sunshine, the peach trees and the dogwoods burst into bloom; the beautiful, fragrant, trailing arbutus sends forth its white and pink blossoms to carpet the woods; and the red bud on the Eastern slopes of the Blue Ridge hangs its pink on the forested hills. And from that time on until all verdure and flowers wither and die at the first touch of "the North Wind's breath", the entire mountain world is one vast flower garden. With a back-ground of dark blue encircling the hills, a sea of color spreads out to the farthest horizons; yellow and white, scarlet and blue, pink and lavender, orange and purple, crimson and orchid, and all the colors between are scattered everywhere in confusion, but blended and softened into perfect harmony of hue and design, in an amazing variety of flowers too numerous to be mentioned here.

And even after the killing frost arrives, the mountains, if possible, are more beautiful still; for then Autumn's glory, with its Indian Summer, cloudless skies, and hazy atmosphere, broods like a gentle spirit over the land. Then every hill is on fire with colors made brilliant by the flashing rays of the Autumn sun. Here a tree will be crowned with blazing yellow, and there another with gleaming gold; others will be attired in brilliant red and purple, and others still in all the tints and shades between, so that every hill and mountain top seems to be glorified by all the resplendent colors of the rainbow—a picture painted by the unseen Hand of the Divine Painter Himself, and set in this high wilderness as if for His own contemplation, and equalled only in the molten and emurpled splendor of His sunset skies. The seductive mystery

of the entire section is beyond the power of words to describe. The wonderful outlook of wide valleys, bounded in every direction by tree-clad hills, opens a world that seems to terminate abruptly everywhere, yet to go on in an endless series of verdant valleys and rushing streams. The darkling wood-belts creep up the hill-sides deep in mysterious shadows, until at last they penetrate the low-hanging clouds, the crowning glory of the higher peaks.

Never was there a region more beautiful than this mountain wilderness. Hill and valley, timberland and thicket, meadow and "bald-spots", wild grass land and naked cliffs, abound on every hand in happy distribution of light and color.

I have stood upon the summits of our higher elevations, and there beheld hundreds of the surrounding mountains, some large and others small, some with names and others nameless, separated by broad valleys and narrow gorges; and the thought has occurred to me that when the Divine Builder, in His grand process of Creation, passed over this part of the world, He paused but a moment to throw together in confused disorder our wonderful mountain land; but since the completion of our magnificent system of highways and community roads, I have had the privilege of visiting even the remotest sections of our mountains everywhere, and have seen a different prospect at every turn of every road; and now I see in it all a Design too perfect for human comprehension. To me its contemplation suggests the untold wealth of the Infinite Universe. It inspires in my heart a reverence so profound that it leaves scarce a place for the smallness of earthly hopes and yearnings. Its natural wealth, its ruggedness and vastness, its matchless splendor, and its lavishness of beauty, sink into my soul and leave my spirit straining at its earthly bonds to gaze with longing eyes toward the Infinite Power which ordered its existence.

I have been told that a man who had traveled extensively in all the other countries of the world, completed his tour by a visit to all the mountain Counties of North Carolina; and when he had seen them all he said he believed that when God created the world He created Western North Carolina first, and that He then lost His model, and so did not attempt to duplicate our section anywhere else on earth. I respectfully dissent from that gentleman's opinion. More pleasing to me than his suggestion is the thought, that when the great Architect of the Universe had created all the other portions of the earth, He looked upon His handiwork and pronounced



it good, but not good enough; and then, marshalling all of His wondrous power, and all of His might, and all of His wisdom, out of the plentitude of His inexhaustible stores, He created the mountain region of North Carolina, and pronounced it His masterpiece among all created things in the physical world. And when with His matchless skill He had placed upon His masterpiece the imprint of ineffable beauty and glory, it was a veritable Garden of the Gods; a land of indescribable and inimitable grandeur; a land rugged with towering mountains, indented with fertile valleys, crowned with waving forests, canopied with foliage of brightest green, and resting upon foundations of everlasting granite.

It was a land of sparkling fountains, limpid and pure as the dews of heaven, bubbling up from every vine-clad hollow and hidden glen. It was a land of roaring cataracts, dancing cascades, murmuring rivulets, brawling brooks and laughing rills, rippling in eternal melody; and rolling ridges, dark gorges, deep ravines, verdant dales, and extended land-scapes, sweeping away until they met in the far-off rim of the sky.

It was a land of bright rivers, embanked in emerald and bordered with flowers, shimmering in sun-light and moon-light and star-light, and rushing like liquid diamonds between the hills, from original source to rolling plain, and then flowing on to empty their pellucid waters into the restless sea.

Is it any wonder that our pioneer ancestors, when they first saw the land, with its mountains, rocks and streams, its hills, gorges, and ravines, its trees, plants, and flowers, clothed in the imperial draperies of its light and shadow, its salubrious climate and incomparable atmosphere, believed that they had at last found the Promised Land? Is it any wonder that we, their descendants, believe that there are no richer fields on earth than ours? That there is no fairer land than the Carolina Mountains?

Mountaineers everywhere will endorse the spirit breathed in the following lines, whose author I do not know, but which I have paraphrased in order to apply it to the Carolina Mountaineers:

“The poet sings of Sunny France,  
Fair olive-laden Spain,  
The Grecian Isles, Italia’s smiles,  
And India’s torrid plain;  
Of Egypt, countless ages old,

Dark Africa's palms and dates,  
But let me acclaim the land I name—  
My mountain land, in the best of States.

The poet sings of Switzerland,  
Braw Scotland's heathered moor,  
The shimmering sheen of Ireland's green,  
Of England's rock-bound shore;  
Quaint Holland and the Fatherland,  
Their charms in verse relates;  
But let me acclaim the land I name—  
My mountain land, in the grandest of States.

I love every inch of our rugged land,  
Every stone on our mountains' side,  
I love every drop of the crystal water  
That flows in our rivers wide;  
I love every tree, every blade of grass,  
That grows within our gates,  
The gem of the earth is the land of my birth—  
My mountain land, in the Queen of States."

## CHAPTER XIII.

### THE CAROLINA MOUNTAINS—CONTINUED. WHITESIDE MOUNTAIN—UNAKA-KANOOS.

*He stood and measured the earth . . . And the everlasting mountains were scattered, and the perpetual hills did bow: His ways are everlasting.*

HABAKKUK, Chapter 3: 6.

Some years ago I wrote an article, which I had published in some of the local papers, under the title, "A visit to the Old Homestead." The article thereafter appeared in several of the daily papers of this State, and from some of them was copied and published in several of the daily papers in other States. In this article, among other things, I described the view as seen from the top of Whiteside Mountain in Jackson County. I have received a large number of letters from people outside the State, who desired to know whether there really was such a place as I had described, or whether the description was the result of my own imagination. I include the article here as a further description of the Carolina Mountains:

A few days ago I went back to the old home and scenes of my childhood, at the base of Whiteside Mountain, in the southern part of Jackson County, where my parents lived together for fifty-nine years, and where their ten children were born and reared.

I went first to the top of Whiteside, which rises five thousand four hundred feet above the level of the sea, and stood upon the rugged cliffs and crags forming that towering mountain, subdued and toned in their gigantic grandeur by the blue haze that is ever present in the Blue Ridge Range.

In the days agone, I have oftentimes stood upon those majestic heights at day-break, and, looking toward the East, have watched the sombre drapery of the clouds roll up like a scroll from the rim of the horizon, as the red torch of the morning enkindled upon the



stainless crests of a thousand hills a line of crimson fires, and sent forth ten thousand shafts of light to herald the coming of the God of the day.

I have stood there when the shadows of the coming darkness were falling around me, and I have seen the evening hang her silver crescent on the brow of night and equal the awakening glory of the dawn with the beauty of the sleepy twilight.

I have stood there in the winter time at midnight and listened sorrowfully to the ice-laden winds as they sighed through the dismantled forests, and watched the snow fields glistening in the moonlight like foam-flecked billows in a stormy sea, while a million Stars of Hope flashed back the promise that the soft balmy air and the gentle rains of springtime would come again, and renew the splendors of our matchless mountain world.

I have stood there in the summer time at noon-day, a thousand feet above the clouds, and watched the thunder storm beat mercilessly upon the primeval trees in the rich valley below, as these giant monarchs of the forest, whitened with the snows of a hundred winters, stretched forth their mighty arms and struggled with the wild and relentless fury of the winds; when the lightning flashed against the sky with forked flame, and the very earth rocked and trembled beneath the angry roar of the musketry of the winds and the artillery of the skies.

And then I have seen the storm clouds break away and disappear while the evening sun hung every shrub and bush and blossom with jewels more brilliant than the choicest diamonds found in South African and Brazillian mines; and then as the great Orb of the day passed behind the western hills, the world appeared to be encircled with ineffable beauty, while God's beautiful Rainbow of Promise gleamed softly luminous behind the thunder bolts, and caused the hearts of all who saw to beat high with hope.

Surely Eden presented no grander prospect, when the first glimpse of her green and ambrosial bowers burst upon the wondering vision of earth's first pair, before Satan mounted upward through the gloom from the burning regions below, to lurk around her magnificent courts, until at last he scaled the bright ramparts, and persuaded our primeval parents to taste the fruit hanging in fatal fascination from the branches of the Forbidden Tree.

In all the mighty tide of time there has been no other day fraught with consequences so far-reaching and fearsome to the

human race, as that on which these repentant and sorrowful exiles from the favor of God looked upon the blaze that laid in ruins the world's first and last abode of perfect peace and happiness, and saw the flaming sword of Retribution mount guard above the gates of the Garden and close them forever against the children of men.

There are thousands who travel over continents and sail over seas to visit the great Art Galleries of the world and gaze for a moment upon the masterpieces which the genius of every age and clime has spread upon canvass; and yet, did they but know, they may stand upon the sculptured cliffs and rugged heights of Whiteside Mountain and look across the intervening space to where the faraway skyline blends in the exquisite harmony of the surrounding landscapes the richest tints and rarest images and aspects of Nature—the blue of tranquil skies, the shimmer of winding streams, the wilderness of trees and shrubs and flowers, the dreamy haze half veiling a hundred other mountains with names and a thousand others nameless but just as beautiful, and like as many emerald terraces piled one above the other until the farthestmost stands in the dim and shadowy distance wrapped in the mantle of Heaven.

There is a picture that baffles and beggars description; a picture painted by that unseen mystic Hand that traces the never-fading green on pine and laurel and cedar; that sprinkles gold on the maple trees when the winds of Autumn sigh; that lights in molten splendor the Fairy Cities of the empurpled sunset; that causes the flowers to blush with radiance under the burning kiss of the dazzling sunbeams and attires the forests in all the resplendent colors of the rainbow, while the burnished heavens like the spangled robe of an Enchanter, hangs over it all.

There is the same plenitude of beauty there now as when the Angel Hosts and Chorus, with voices attuned to the music of the spheres, chanted their first grand anthem across the air of heaven into the glad ear of enraptured Deity.

The sun shines, the moon beams, the springs bubble, the cascades sparkle, the flowers bloom, the winds moan, the zephyrs whisper, the birds sing, and the heavens gleam in their imperial draperies of fleecy cloud and splendid light, just as they did when the Morning Star first saluted Creation's Dawn.

Following the climb to the top of Whiteside, I went to the site of the old homestead in the valley. A quarter of a century ago it

passed into other hands, and I had not seen it for more than a score of years.

When I stood upon the spot where I first saw the light and where my childhood and youth and early manhood were spent, the happy scenes of former years passed before me in review like flitting pictures in a dream, and my soul was filled with a sweet but pensive sadness unspeakable as I beheld the changes which Time had wrought. Most of the old home had been torn away and a new and more modern building erected in its place. New fields had been cleared, and most of those in which I had plowed and hoed and reaped and sung the harvest song had been discarded and allowed to grow up into a forest of quick-growing trees, now more than a dozen years of age.

But the little spring is still there, pouring out from a crevice in a solid rock, and from its crystal waters—sweetened with sparkling dewdrops and cooled by the hailstorm—I quenched my thirst as I was wont to do in the happy days of the "sweet long ago."

And Norton's Fork, the West prong of the beautiful Chattooga River, is still there, fresh from the heart of Whiteside, fed by a hundred babbling springs gushing forth from the mountain's side, and then spreading out into a smooth limpid rivulet winding its silver course gently through the fields, causing the grass in the meadows to grow green, the flowers to burst into bloom, and the earth to quickly respond to the persuasive touch of labor. I stood upon its flower-bestrewn banks, and bathed in the bright June sunlight, and drank my fill of the pure mountain air, laden with the clinging fragrance of the azalea and wild honeysuckle, and watched the speckled trout flutter and play in the depths and shallows of the stream, and once more I listened to its never-ending song as it flowed on in its eternal journey to mingle its music with the murmuring melody of the sea.

I next went to the little cemetery on the hill where my father and mother and brothers and sisters are sleeping; and as I stood by their graves Memory lifted her veil and carried me back through the shadows of the vanished years, and recalled a thousand instances of the loyalty and love of the brothers and sisters who dwell in this silent little City of the Dead; and the June wind, blowing gently from the west, bore upon its wings the echoes of a father's counsel and a mother's prayer uttered in the years that are gone by lips closed with the seal of the eternal silence. And then



in the gathering twilight of the evening, as I turned to leave that place of sacred recollections and eternal repose, I saw the Evening Star, emblematic of the Star of Hope, twinkling brightly above the horizon, and as I closed the gates of the little cemetery behind me, it seemed to me that I could hear the strains of distant music and the gentle rustle of unseen wings. Then I thought of the lofty anthem and Promise of Life Eternal spoken by the Man of Galilee more than nineteen centuries ago: "I am the Resurrection and the Life; he that believeth in me though he were dead, yet shall he live; and whosoever liveth and believeth in me shall never die."

---

Before North Carolina ceded to the United States the territory now embraced within the State of Tennessee, the present Tennessee territory constituted the Western half of North Carolina. This territory so ceded by North Carolina includes the Northern sides of the Roan Mountain, the Black, the Northern Unaka, the Smoky, and the South side of the Cumberlands, as stated heretofore in these pages.

Many years ago, during a session of the Supreme Court at Jackson, Tennessee, at a banquet held in honor of the Bench and Bar of the "Old Volunteer State", General N. B. Forrest delivered a toast to Landon C. Haynes, and referred to him as being from the mountains of East Tennessee, sometimes known as "The God-forsaken." Mr. Haynes, according to a clipping which I have from a Tennessee newspaper, had the following to say about the Northern side of some of the mountains which I have attempted to describe in one of the preceding chapters:

"Mr. Chairman and Gentlemen:

I plead guilty to the soft impeachment. I was born in East Tennessee, on the banks of the Watauga, which in the Indian vernacular means 'beautiful river', and beautiful river it is. I have stood upon its banks in my childhood and looked down upon its glossy waters and there beheld a heaven below, and then looked up and beheld a heaven above, reflecting like two vast mirrors, each in the other, its moons, its planets, and trembling stars! Away from its rocky borders of cedar, pine, and hemlock, stretches a vale back to the distant mountains, more beautiful than the groves of Switzerland, more exquisite and grander than the vales of Italy. There stand the great Roan, the Black and the Smoky Mountains,

upon whose summits I have seen the clouds gather of their own accord even in the brightest day. There I have seen the Great Spirit of the Storm go take his evening nap in his pavilion of darkness, and clouds! Then, I have seen him aroused at midnight and come forth like a giant refreshed by slumber, and arouse the tempest, and let loose the red lightnings that ran along the mountains tops for a thousand miles swifter than an eagle's flight in heaven. Then, I have seen the lightnings stand up like angels of light and dance in the clouds to the music of that grand organ of Nature whose keys seemed to have been touched by the fingers of Divinity, which responded in notes of thunder that resounded throughout the Universe.

Then I have seen the darkness drift away, and Morn get up from her saffron bed and come forth like a queen robed in her garments of light and stand 'tip-toe on the misty mountain tops', and Black Night fled away from her glorious face to his bed chamber at the pole; and she lighted the green vale and beautiful river, where I was born and played in my childhood, with a smile of sunshine! O, beautiful land of the mountains, with thy sun-painted cliffs, how can I ever forget thee!"

---

### WAYAH BALD—THE MOUNTAIN OF THE WOLF.

*The mountains shall bring peace to the people,  
and the little hills, by righteousness.*

PSALMS, Chapter 72: 3.

One afternoon during the August Term, 1938, of Macon County Superior Court, Mr. G. L. Houk, a popular young attorney of the Town of Franklin, invited me to ride with him to the top of Wayah Bald. Although I am a native and life-long resident of the Carolina Mountains this was my first trip to the highest elevation in the Nantahalas.

Hon. Gilmer A. Jones, attorney of Franklin, and one time Solicitor of the Twentieth Judicial District, had given me a typewritten copy of "The Legend of Wayah Bald", the particulars of which he had collected from time to time and woven into a beautiful story, which, I understand, will soon appear in one of our popular magazines. Briefly, the substance of the legend is as follows:

In the long ago, before the white man came to these mountains, there lived with the Cherokees a very old man by the name of Coneheetah, who was everywhere acclaimed the wisest man in the Cherokee Nation. As he grew older he spent most of his time on the summit of the mountain which we know now as Wayah Bald. The old man had a grandson, then about twelve years of age, who, on account of his acute sight, hearing, alertness, strength, and activity, had been given the name of "Wayah", which, being interpreted, means "the wolf". Oftentimes Wayah went with his grandfather to the top of this mountain.

One night after the stars came out Coneheetah seemed to be talking to them, and he told Wayah that his reason for spending so many nights on the top of this mountain was that he might the better hear and understand what the stars said to him. He said the stars had told him that in the years to come an enemy would descend from the North to conquer and destroy the Cherokees, and that Wayah was destined to become the greatest among the chiefs of his people, and that he alone could lead them to victory against this enemy. He then told Wayah to go back to the village of his people and train himself to be the best archer, the swiftest runner, and the most skillful wielder of the tomahawk in all the Cherokee Nation, and to make himself worthy to become the greatest chief of his tribe. He then enjoined Wayah to teach the people of his tribe to emulate him, and to do all the things that would make them clean and strong and brave. The old man said that we would not again be seen in the villages, but would remain on top of the mountain where he could talk to the stars and hear what they said to him; and that as the years rolled on if Wayah should ever need him, if he would come at night to the mountain's top Coneheetah would tell him what the stars had said. Wayah remembered and minutely obeyed all of Coneheetah's instructions; yet, as the moons continued to come and go, no enemy came down from the North. At length, Wayah himself grew old and realized that if trouble came he would not be able to lead his people. But finally the blow struck. A runner came to the village of Wayah and brought the news of the attack of the Iroquois upon the Cherokee villages farther North; of the killing of their squaws and papooses; of the destruction of the buffalo and the deer; and of the threat of the Iroquois that they would kill the Cherokees to the last man or wrest from them every inch of their hunting grounds. Wayah sent mes-



sengers to call out his braves to the war path. But when they started across the mountain to meet the enemy Wayah found that he could not keep up with his warriors; so he sadly turned aside and went to the top of the mountain where he had last seen Coneheetah. And that night when the stars hung their friendly torches on the sky he threw himself down upon the very rock where he had last seen Coneheetah sitting, and cried out in his grief: "You taught me to be strong and courageous. You told me that I would be needed to drive back the tribes of the North, to lead my people and save them. But now they die like rabbits from the tomahawks of the Iroquois. My young men need me to lead them, but my body is bent like the storm-beaten oaks about me. My braves go alone to meet the invader, and I, whom you so carefully taught, am powerless to help them. The bow will no longer bend for me; I can no longer wield the tomahawk, for the strength of my arm is gone." And when Wayah had thus spoken, from the rock itself he heard the voice of Coneheetah saying to him: "My son, do you wish to have back your strength of arm and fleetness of foot? Do you wish to have returned to you your steadiness of eye and sureness of aim? Think well. You have given all these things to the young men of your tribe. What you once had they have now. The spirit of the young Wayah is now burning in the hearts of your young braves. You have given them yourself, multiplied by thousands. You have led them, and your spirit breathes in them. If you had not first learned, you could not have taught them. There was work to do and you did that work. Your people are saved and their villages still stand."

For a moment there was silence. Then Coneheetah spoke again very softly, more softly than he had been known to speak before. "Do not leave me again, my son. The stars have many things to tell us as they pass over our heads."

From this legend the mountain I had started to visit and the creek which rushes down the steep declivities of its rugged side received their names. "Wayah", as applied to the mountain, means "The Mountain of the Wolf"; and, as applied to the creek, it means "The Creek of the Wolf."

There are those who will gainsay this story. There are those who will say that Coneheetah, the Wise Man of the Cherokees, did not commune with the stars—that the stars did not speak to him. They may be right. They may be wrong. I do not know. But I do know

that it was a Star that heralded to the three Wise Men of the East the "glad tidings of great joy"—that the Prince of Peace was born. I do know that it was a Star which guided their foot-steps to the lowly Manger in Bethlehem, that they might worship the new-born Savior of the World and present their gifts of gold and frankincense and myrrh.

In this legend of the savage Indian I see a lesson of profound meaning for all of us. It illustrates the great truth that the influence of a human life for good or for ill will never die. Our minds and hearts leave some of their qualities and some of their characteristics in the minds and hearts of others, both while we live and after we are dead. We live in the service we have rendered to mankind, and our achievements will live, and rule, and sway, some portion of the human race and the world, long years after our wasted bodies have been consigned to the tomb.

On this trip to Wayah we traveled over U. S. Highway No. 64 for a distance of five miles, where we turned to the right and completed our journey over a road which had been recently constructed by the U. S. Forestry Service, and which is splendidly surfaced with stone and gravel and is open to travel all the year round. For the greater part of the way this road follows the grade of the old Asheville-Murphy Turnpike, over which, in the old days, the stage-coach traveled under regular schedule, carrying both mail and passengers between Asheville and Murphy.

In less than one hour from the time we left Franklin we were on top of Wayah Bald. On its highest point the Forestry Service has built a stone tower some forty to fifty feet high and from the balcony of its topmost story I saw the grandest spectacle my eyes have ever beheld or that they ever will behold, perhaps, unless I shall be permitted to look upon heaven's incomparable landscapes.

It was a part of my heritage to have been born in vision-reach of Wayah Bald, for it is plainly visible from the top of Whiteside, in whose shadows I was born and reared; but to my untrained eyes all these massive mountains were once only obstructions in my way—difficulties to be overcome. Their ribbon streamlets with their moss-ruffled edges were common branches to me, and their far-off coves and wooded slopes were only hiding places for wild animals. Their indescribable beauty was not then apparent to me and my untutored mind saw not their grandeur. It was impossible for my narrow vision to even glimpse the panoramic glory that was daily

piled in poems before my eyes. But with the passing of the years these playmates of my childhood have taken on a newer and a grander glory. Since the completion of our magnificent system of State Highways and County and community roads, which edge the streams, surmount the cliffs, clamber along the rugged steeps, and finally reach the highest summits, I have been to the tops of most of our higher mountains. We boast forty-six which reach an altitude of more than six thousand feet, while there are eighty-eight others which are upwards of five thousand feet high. The view from all of them is grand. But from Wayah Bald, in whatever direction you look, the view is unobstructed until the countless ranges melt in the dim and shadowy distance where earth and sky meet and blend.

The mountains, streams, and sunshine; the lengthening shadows, the quick twilight, and the moon's silver rays have been there always. When the Morning Stars were singing together while the world was young, Wayah Bald was there in all the pristine glory of Creation's Dawn; but the slow-passing years and the slow-moving centuries rolled on and on in uncounted cycles before mortal man stood uncovered and worshipped its beauty. It has lifted its head above the fog-line and the tree-line and looked out over what is now the Great Smoky Mountains National Park and the Pisgah National Forest and the Nantahala National Forest, and other sections just as beautiful, during all the dead centuries of Man's existence. It presents the same amplitude of beauty now that first awoke the joyous chorus of Creation's Hymn.

As I stood there with bated breath, gazing across innumerable chasms and countless valleys, and from mountain top to mountain top, I felt that I saw stretched out before me "all the kingdoms of the world and the glory of them." The whole mountain world stood clothed in all the brilliant colors of the rainbow, while over the winsome picture hung the painted sky, painted as only God can paint.

Looking to the westward into Graham County, we could plainly see Hooper's Bald and Hangover Mountain, each with an altitude of five thousand feet, and near by was Lake Santeetlah, with its wavelets glistening in the sunlight like a field of shattered diamonds. Still farther to the westward in Cherokee County are the Snowbirds, the Unakas, and Andrews Bald of about the same altitude. Next we gazed upon the Tusquittee Bald and Chunky Gal which



divide Macon and Clay Counties. To the south is Standing Indian, one of the highest elevations in the Blue Ridge Range, with an altitude of five thousand five hundred and sixty-three feet, while over to the southeast, in the same range but just across the Georgia line, is Rabun Bald, which stands six thousand feet above the level of the sea.

Over to the east is Whiteside, five thousand four hundred feet high, in Jackson County, and Hogback, or Mount Toxaway, in Transylvania County, of nearly the same elevation. Facing to the northeast, you next look upon Mount Pisgah, the Richland Balsams, Cold Mountain, and Tennessee Bald, dividing Haywood and Jackson Counties, and ranging from five thousand, seven hundred and forty-nine feet to six thousand, five hundred and forty-five feet high, with their ever-green balsams waving their emerald boughs every day in the year.

Looking to the north, one beholds in plain sight, the Nantahala Gorge, like a great deep gash cut through the very heart of the mountains; while, on beyond, rise all the higher peaks of the Great Smokies in Swain County, North Carolina, and in Tennessee, Gregory Bald, Thunder Head, Mount Leconte, Mount Kephart, Mount Guyot, and Clingman's Dome—their rugged heads helmeted with everlasting granite, seared by the lightning's flash, and scarred by the thunder's bolt, reaching into the clouds at elevations ranging all the way from four thousand, nine hundred and forty-eight to six thousand, six hundred and ninety-two feet above sea level.

From Wayah Bald, which attains a height of five thousand, four hundred feet, as quickly as your vision can make the circle, you may plainly see the last-named higher mountains lifting their lordly crests in nine different Counties, including one in Georgia; and on and on the story runs as the vision sweeps, for everywhere between there are hundreds of others with names and a thousand others nameless but equally beautiful, piled one above the other until the farthestmost appears to be robed in the faint, ethereal mantle of the skies. Above the Smokies, aloft in the fading distance of the great National Park, I saw a ruffle of thunder clouds looking as if they were frozen about the zig-zag horizon line, while a drifting fleece of fog, like a sheer veil of azure over emerald, hung across the Nantahala Gorge.

In plain view hundreds of crystal streams gush out from the fern-clad sides of the mountains to begin hunting their way out to

the sea. Like great white serpents they wriggle and glide along down the flowery slopes, between great boulders, down through dark gorges and deep ravines, where they eddy in still pools to rock the speckled trout to sleep in their crystal cradles. They carefully choose their courses between cliffs and crags, sometimes plunging over precipices of moss-sodden rock, sometimes leaping and laughing and cascading over pebbly shoals, until in the distance they look like streams of molten silver moving along 'twixt banks of greensward bejeweled with sparkling dew drops, and bedecked with wild flowers of rarest colors. Some of these streams wind their hurried way into the Tennessee, thence into the Ohio, and thence down the Mississippi to mingle their vital essence with the flow of the Gulf Stream; while others, from the Southern and Eastern slopes of the Blue Ridge wind slowly around through the Skyland Mountains of Western North Carolina until at last they head for the deep and surging Atlantic.

And now it was nearing sunset in the Nantahalas. On the morning of this now-dying day, as on all other mornings since the time when God said, "Let there be light and there was light", Aurora, the beautiful Goddess of the Dawn, had stood tip-toe on the Eastern Mountain tops, her lovely face blushing with radiance at the kiss of the morning wind, and with her rose-tinted fingers drew back the dark curtains of the night and heralded the coming of the new day. And then the great Sun-God came forth refreshed from his slumbers, peeping with his fiery eyes over the edge of the horizon, his dewless beams stealing through the mists that hung upon the summits of the Grandfather, Mount Mitchell, and Mount Pisgah, his golden streamers fluttering in the fleecy clouds, as the flickering stars dissolved into the blue-black dome of the heavens, and the whole mountain world was soon flooded with blazing light.

Long before we reached the mountain top, his mighty chariot had rolled across the heights of Whiteside, the Nantahalas, and the Smokies, and he had now lost some of his blinding brilliance as he glided over the forests through a notch in the farthestmost ranges. He had gathered his shafts of light into golden bundles and was now shooting back from the great red disk of his burning shield his parting rays in flames of livid fire, as he hastened down to the West.

I had seen many sunsets before; glorious sunsets with purples and scarlets and golds. I had seen the sun melt into the hills like a pot of liquid fire and plunge like a great crimson ball behind the

highest peaks, swathe their giant shoulders in robes of royal purple, and set the ranges on fire with his last flashing rays; but never had I seen a sunset like this. As his great red face slipped out of sight behind the green-walled ramparts of the western-most ranges, the flames of evening shot up in magnificent splendor above the tree tops, and glorified the horizontal bars of purple clouds which stretched themselves above the burnished summits, and the golden light swept by as if it had been the transparent shadow of a moon-beam, swift and evanescent like a dream or fleeting happiness. But by now the twilight had fallen, and the last rays of the setting sun passed lingeringly from view and the waters of the creeks and the rivulets changed successively from gold to crimson and to purple and silver and gray. The twilight deepened; the Evening Star came out, hanging close and low, and from behind one of the distant ranges the moon came rolling up, and, starting on her journey across the sky, rose higher and higher, until she had spilled a flood of glistening silver over the silent earth. A breeze, warm and dry as a gentle current from some distant fire, its wings scented with the fragrant breath of wild flowers and blossoming shrubs, and hushed as the drowsy murmur of gently eddying waters where the star-beams dance, sighed noiselessly as it swept by, and whispered softly of lifted clouds and stormy gales at rest. It tinged the sand; it touched the rhododendrons and the azaleas, and sobbed and vanished amid the laurels, and gave to these tree-like plants a wierd majesty that was uncanny, and yet somehow real. And now the broad, bending arch of the deep blue firmament, from ten thousand points of light, rained a shower of silvery splendor, as a myriad of stars spangled forth, hung out their crystal lanterns, and shed their luster over the Land of the Sky. Twilight merged into dusk, and dusk into full darkness, and night worked her artistry over the valleys, purpling the domed knolls, touching the mountain sides with gray black, inking the brush-fringed hills and the star-bathed crags. From a dark clump of trees down toward the foot of the slope sounded the love call of a whippoorwill, infinitely sad and sweet.

Somewhere over in the woods an owl's haunting hoot rent the quiet air and the bark of a fox awoke the distant echoes. With the whispering of the night wind among the leaves mingled the faint stirring of dreaming birds and a thousand sounds of the insect kingdom. Then all was still once more, and the moon, from the



star-bejeweled vault of the heavens, smiled softly down as before, while she swung on toward her bed among the serried pinnacles over to the westward; the grass and the leaves and the flowers went to sleep under her goodnight kiss, and a benediction of perfect peace descended upon the verdured mountains. And such was the wonderful ending of a glorious day!

## CHAPTER XIV.

### WHO WERE THE PIONEERS OF THE CAROLINA MOUNTAINS?

*But now they desire a better country, that is, an heavenly (country), wherefore God is not ashamed to be called their God.*

HEBREWS, Chapter 11: 16.

Much has been written about the origin of the Carolina Mountaineers. Some of these writings speak the truth. Others are based on ignorance, prejudice, and falsehood.

A number of authors, moved to write something that would sell in the North, and elsewhere, to those who knew nothing of our mountain section and its people, have been pleased to assert, without any authority whatsoever, that our mountains were originally settled by refugees from England; mainly criminals, who had been deported under British laws then in force, and for the violation of which "banishment" was the penalty.

Nothing could be farther from the truth. It is true, however, that there was a time when many people in the South were referred to as "poor whites." They were the descendants of convicts who had been deported from England, and "hired out" or indentured as servants by the English to the large tobacco and cotton plantations. There were three classes of these laborers, namely, the very poor people of England who desired to come to America but were unable to pay their way across the Atlantic, and who voluntarily sold their services for definite periods of time in payment for such transportation; youths of both sexes who were kidnapped by British traders and sold into slavery on the large plantations; and criminals who had been convicted in the Courts of England, and sentenced to serve terms on American plantations. These practices were pursued prior to the Revolution while we were under British rule. When these unfortunate people served their terms they settled in the backwoods away from the plantations. For a long time these "poor whites" were the chief laborers on the southern plantations. When

African slavery was introduced in the South, these "poor whites" located in the back-woods of the tobacco and cotton belts and took up such lands as were unfit for the cultivation of tobacco, cotton and other crops that were profitable to the slave owners. But this class of people were in no way related to the pioneers who settled the Carolina Mountains.

Our mountain region was known to white people long years before the first settlers came. Sir Walter Raleigh's first expedition reached the coast of North Carolina on the 4th day of July, 1584. The Jamestown Colony on the coast of Virginia was established on the 20th day April, 1607. But forty-four years before Raleigh landed with his colony on North Carolina's shores, and sixty-seven years before the settlement at Jamestown, DeSoto, the Spanish explorer, with his army, marched through the mountains of Western North Carolina in search of gold.

Our section was well known by both Spaniards and English for nearly two hundred and fifty years before the first permanent settlements were made by our pioneer ancestors.

On the 30th day of May, 1539, Hernando DeSoto, of Spain, landed at Tampa, on the west coast of Florida. He had with him six hundred armed men and thirteen horses. There have been many attempts to trace his route from there through our mountains. It is well established however, that he came through the upper Piedmont section of South Carolina, and finally reached the headwaters of Broad River in what is now Rutherford County, North Carolina, where the Cheraw Indians held sway all the way from the head of the Broad River to the upper Piedmont in South Carolina. From here they traveled west, and the record says that they passed "through a country covered with fields of maize of luxuriant growth," and during the next five days they "traversed a chain of easy mountains, covered with oak or mulberry trees, with intervening valleys, rich in pasturage and irrigated by clear, rapid streams. These mountains were twenty leagues across." At last they reached "a grand and powerful river and a village at the end of a long Island, where pearl oysters were found."

After leaving the head waters of Broad River and going west, they soon crossed "a very high ridge" and after descending the "Savanna" on the western side of the mountain they crossed a river running in the opposite direction from the course the Broad River



flows, and which they supposed to be a tributary of the Mississippi. This was the French Broad River.

The above description of their route is from the description which DeSoto's Chronicler made himself, and is a fairly perfect description of a trip from the headwaters of the Broad River, through the present County of Haywood, across Balsam Gap, down Scott's Creek and on to the large Indian Town of Cullowhee, Jackson County. From time immemorial there was a tradition among the Indians that the above was the route traveled by DeSoto and his army, and there is authentic history to the effect that they crossed the Balsam Gap and traveled down Scott's Creek which runs west from the Balsam Mountains.

For a long time after Jackson County was settled the Indians maintained their village and Town House at Cullowhee. Since the first settlement of the Cullowhee Valley, the field on which the Indian Village was located, was, and still is known as the "Town House Field." It is now owned by the State of North Carolina, and is the site of Western Carolina Teachers' College. It is true that there is no "long island" there, but it is the confluence of Cullowhee Creek and Tuckaseigee River, and a deep "horseshoe" bend in Cullowhee Creek just before it enters the river gives the land between the two streams on which the Indian Village stood, the appearance of a "long island".

On August 26, 1935, by a joint resolution of Congress, a Commission was authorized, to be known as the United States DeSoto Expedition Commission, with full authority to locate the route followed by DeSoto and his followers, through the States of Florida, Alabama, Georgia, South Carolina, North Carolina, Tennessee, Mississippi, Arkansas, Louisiana, and Texas.

This Commission filed its report with Congress December 28, 1938. All the accounts of the DeSoto expedition agree that the Spaniards finally reached Keowee Town in what is now Oconee County, South Carolina. The above-mentioned Commission reported that the Spaniards, after leaving Keowee Town, came North along an old Indian trail which ran between Crane Creek and Knox Creek, crossing Chattooga River, then passing through Horse Cove and the present town of Highlands, down Tessuntee Creek to Cullasaja, and thence down the last named stream to the Little Tennessee to the present town of Franklin, or Nikwassi, as the Indians called it. That the Spaniards were at Franklin no historian

has ever questioned. As positive proof that they were at Franklin it may be stated here that in 1900, Mrs. Margaret R. Siler, of Franklin, found on Iotla Street, in an oak grove, a Spanish cannon ball. There is a tradition, too, that on the Elam Slagle farm near the foot of Wayah Bald Mountain a small brass cannon lies buried, which the Spaniards were supposed to have left when the Indians were pressing them so hard. This farm is near the route the Spaniards traveled in going across the mountain to the Hiawassee, and thence on to Murphy. (See Cherokee Indian Lore, 55.)

Honorable Thomas A. Cox, of Cullowhee, in Jackson County, is the best authority I know on the tradition and history of the DeSoto expedition through this section. He tells me that at Keowee Town DeSoto's forces divided into two parties, one following the route pointed out in the DeSoto Expedition Commission, and the other party coming to Cullowhee by way of Broad River, Hickory Nut Gap, Balsam Gap, etc. Mr. Cox says that while he was a member of the Legislature of North Carolina he saw in one of the capital buildings at Raleigh an old Spanish map showing the foregoing route of the Spaniards, to an Indian town called (on the map) Karora, presumably in the Cullowhee Valley on the "Town-House Field" hereinbefore mentioned. A Spanish cannon ball about two and a half inches in diameter, was found near where the "Town House" stood on the mound which is still visible, of the kind used in the sixteenth century. This cannon ball is in the possession of Mr. Cox now.

Some six or eight miles below Cullowhee is the town of Webster, which until recent years, was the County seat of Jackson County. The town is built on a ridge leading from King's Mountain down to Tuckaseegee River. In this ridge there are several tunnels, which still bear evidence of having been excavated by sharp metallic tools. The first white settlers learned from the older Indians, who in turn had been told by their ancestors, that these tunnels had been made by white men in the long ago.

In Macon County old tunnels and shafts are found of similar age, and many others are found on the Valley River and at other places in Cherokee County. In one of these old shafts in Cherokee County on the Valley River there was discovered at the bottom in 1854, a well preserved windlass made of hewn oak, showing traces of having once been banded with iron. Another shaft, passing through hard stone, showed the marks of sharp tools used in the

boring and the casting, and other timbers were still sound. In other places in Western North Carolina, notably in Mitchell County, there is evidence of mining operations over three hundred years old as shown by the rings on trees that have sprung up in some of the excavations.

Mr. Arthur Palmer, of Marble, in Cherokee County, who has a collection of over 20,000 Indian relics, also has four Spanish axes, one Spanish cannon barrel, and a large pick, with the wooden handle still in good condition, all of which were found in the bottom of some of the shafts along Valley River above Murphy. He also has a number of crosses similar to the noted Virginia "Fairy Stones", and they are found on the bed-rock of the old gold mines.

Marshall Bell, a leading member of the Western North Carolina Bar, residing at Murphy, has in his possession a very old pistol of Spanish manufacture, which was found in recent years at the bottom of one of these old shafts in Cherokee County. It is partly decayed by rust, but there is plainly visible on it the imprint of a Spanish Coat of Arms. DeSoto and his six hundred men could hardly have done all the mining which the signs still existent indicate was done in those early days, for after his expedition in Western Carolina, he discovered the Mississippi River in 1541, and on the 21st day of May, 1542, he died. In order to deceive the Indians his body was buried, but later it was exhumed, weighted with sand and consigned to the "Father of Waters."

In the year 1566, a Spaniard by the name of Pedro Menendez built a fort called San Felipe at Saint Helena on the Island of Port Royal in South Carolina. In November of that year a Spanish Captain by the name of Juan Pardo was sent to explore the interior of the mountain country and built a fort among the Cheraw Indians near the foot of the Blue Ridge in North Carolina, and left it in charge of one of his sergeants. Sometime thereafter this sergeant, with his party, penetrated the North Carolina Mountains into the Cherokee country to one of their towns called Chioha. Here he was later joined by Pardo, and from there they passed through Alabama on their return trip to Saint Helena. Soon thereafter Spanish miners spent several years in the Cherokee country and engaged in rather extensive mining operation both in the Carolina Mountains and in upper Georgia.



In 1670 a German by the name of John Lederer, who was employed by the Governor of Virginia, William Berkeley, traveled through western Virginia into the Cherokee country west of the Blue Ridge. During this same year Dr. Henry Woodard of South Carolina made a trip through the Cherokee country in North Carolina, and again in 1674.

On May 17, 1673, General Abraham Wood, who was in command of Fort Henry, at the present town of Petersburg, Virginia, sent an exploring party through the mountains of Western North Carolina. We are told that this party spent four days in ascending one mountain. They then forded five different rivers and on the fifteenth day reached the Cherokee town of Sittaree, situated on a river on which "lives a white people which have long beards and whiskers and wears clothing." There is much evidence supporting the theory that the river referred to was the Little Tennessee, which rises in Towns County, Georgia, then flows through Macon and Swain Counties and finally reaches the Tennessee River.

In 1690, an Irish trader named Cornelius Dougherty, took up his permanent abode among the Cherokees in Western North Carolina. Trade among the whites and Indians continued in this section until the country was finally settled by the whites.

But it was not alone by miners and hunters that our mountain land became well known to white people before it was finally settled by that race. Science had also discovered and penetrated the country. Andre Michaux, a Frenchman, who made botany his life work, made numerous excursions through our mountains as early as 1788, and wrote a number of books in which he advertised to the world the wonderful flora of our mountain wilderness. In 1755, William Bartram, himself a famous botanist, the son of the noted Botanist, John Bartram, came across the Blue Ridge and down the Little Tennessee River, passing the present town of Franklin in Macon County, and wrote a book in which he gave a list of many of the flowers and birds native to our mountains. In 1799, John Frazer, a Scotch Botanist, explored our section extensively, and is said to have been the discoverer of the beautiful rhododendron for which our mountains are noted. Many other scientists and travelers, whose names are too numerous to be recorded here, visited our section in the early days.

It is said that at the time the Spanish miners left this country for good, the Indians took a few of them captive and adopted them

into their tribes. These Spaniards married Indian women, and reared families among the Cherokees, and now and then a white hunter did likewise. So it is possible that there was a trace of the white man's blood in the Western Carolina Indians at the time the country was settled by the whites.

But the miners, scientists, travelers, and hunters herein referred to did not settle the Carolina Mountains. The best blood of four peoples and four countries flows in the veins of the native Carolina Mountaineers—Scotch, Irish, British and Dutch.

The coastal plains of North Carolina were settled almost exclusively by the English. The middle or Piedmont section was settled by the English, Dutch and Germans, with a considerable sprinkling of Scotch-Irish.

The native people of Ireland were never enthusiastically loyal to the British government. This has been the case in modern as well as in more ancient times. I have somewhere read a story of an Irishman who came to this country. He landed in New York, and as he walked down the street he met a policeman. The Irishman inquired: "Faith, and is this America?" The policeman informed him that he was in America. The Irishman next inquired: "Well, do you have a government here?" The policeman assured him that we have a government. To this answer the Irishman replied: "Well, faith and begorry, I'm agin it." And so has it ever been with the Irishman. He is brave and generous to a fault; but he hates restraint. He is in favor of government, but not too much government.

Prior to 1607, James I, King of England, was not making much progress in the business of governing the Irish, and especially those who resided in that territory known to history as "The Six Counties of Ulster." He drove from this particular section of Ireland the native population and re-settled it with Scotch people and English Presbyterians. Naturally the Irish, who had been driven from their homes, looked upon these new-comers into their land as aliens and usurpers. They were not related to them by blood or in their religious beliefs, and in consequence, as the years rolled on, they fought with them many a bloody battle.

Of course, here and there intermarriages occurred between the Scotch, the English and the Irish, but because most of them came from Scotland, they came to be known as Scotch-Irish, the majority of them being Scotch people who had settled in Ireland.

In the course of time, however, the leases which the Crown had made to these people came to an end, and the British government refused to renew them, and the Scotch-Irish rebelled. Then the English Crown commenced a program of religious and political persecution against them and finally evicted them. It was then that the Scotch-Irish began to emigrate to America. Froude tells us that "In the two years that followed the Antrim evictions, thirty thousand Protestants left Ulster for a land where there was no legal robbery, and where those who sowed the seed could reap the harvest."

Now, these Scotch-Irish people are not to be confused with the Scotch who settled farther east in North Carolina. In 1735 a small colony of Highland Scotch came across the waters and settled on the upper Cape Fear River in the southeastern section of the State. Still later on, in 1739, a colony of three hundred and fifty of the Highland Scotch came over and settled in the same region. So well pleased were they with the beauty and natural wealth of the country that they wrote numerous letters to their kinsmen and friends in Scotland and urged them to come over and avail themselves of the cheap land and opportunities to be found here. The Carolina Colony was intensely interested in having the country settled as rapidly as possible, and so the Colonial Legislature enacted a statute exempting these new settlers from all forms of taxation for a period of ten years, and offered similar inducements to all others who would come here to establish permanent homes. The descendants of these people live today in Robeson, Scotland, and other Counties of southeastern North Carolina.

While the Highland Scotch were settling the Cape Fear section, thousands of Scotch-Irish who fled the political and religious persecutions to which they had been subjected in Ulster, Ireland, by the British Crown, were coming here to find new homes. A small number of these immigrants landed in Charleston, South Carolina, and made their way up the Pee Dee, the Catawba and the Keowee Rivers, but in much greater numbers others came direct to Philadelphia.

Kephart tells us that "the first frontiersmen of the Appalachians were those Swiss and Germans who began flocking to Pennsylvania about 1682. They settled westward of the Quakers in the fertile limestone belts at the foot of the Blue Ridge and the Alleghanies. Here they formed the Quakers' buffer against the Indians, and, for



some time, theirs were the westernmost settlements of British subjects in America." But the two streams of Scotch-Irish—one from Charleston, and the other from Philadelphia, met in the North Carolina Province and formed the first settlements on the western edge of the Piedmont in the territory now embraced in the Counties that extend up the eastern and southern slopes, and to the top of the Blue Ridge. These people, having left their Homeland to escape political and religious persecution were seeking individual freedom and religious liberty in a land where they could establish democratic institutions of their own. They wanted room; and so they did not tarry long in the older settlements in the western part of the Piedmont; but pushed beyond the western fringe of settlement amid the mountains.

Daniel Boone had come, with his father's family, prior to 1760, from Pennsylvania, and settled in what is now Davie County, on the Yadkin. In front of the Courthouse at Mocksville, the County seat of Davie, there is a granite monument erected to the memory of Daniel Boone, which, among other things, tells us the location in that County of the cabin home of the great hunter and explorer.

In 1761, Daniel Boone led a party of hunters from Pennsylvania and Virginia, into what is now East Tennessee, but then a part of North Carolina. He carried back with him to his home on the Yadkin, glowing accounts of the fertile soil, the beautiful country, and the abundant game in the wilderness he had visited, and during the years 1768-69, a considerable number of families from the eastern and southern slopes of the Blue Ridge, crossed the mountains, and on the Watauga, in what was then Western North Carolina, established the first permanent settlement in North Carolina, west of the Blue Ridge Range.

It was about this time, 1771, that the Battle of Alamance was fought in Orange County, North Carolina. The trouble arose between the people on the one hand, the farmers, who lived in small houses and worked out a living with their own hands on their farms, and the rich trading and official classes on the coastal plain, on the other hand. The people organized under the name of "Regulators" and this was the first battle fought on American soil in resistance to the payment of unlawful taxes and the collection of unlawful and extortionate fees. The Regulators were defeated in battle and many of them, with their families, fleeing from the misgovernment and the merciless persecution of the royal

Governor Tryon, crossed over the Blue Ridge and joined the settlement on the Watauga. Here, in 1772, was organized the first republic in America. They adopted a written constitution, the first ever adopted by American-born free-men. They elected a Legislature, enacted laws for their own government, and through other duly constituted officers saw to it that their laws were enforced.

In August, 1776, the Watuaga Settlement asked to be annexed to North Carolina proper. The request was made by a petition, which was signed by 113 men, all signing their own names except two, who signed by making their marks. It is said that there is no record that this petition was granted, but it is assumed that permission was granted, because at Halifax, at a convention held from November 13 to December 23, 1776, four men—John Carter, John Sevier, Charles Robertson, and John Haile, from the Watauga Settlement, helped frame the first free constitution in North Carolina. With very few modifications North Carolina operated under this constitution until 1868. It also appears that the Watauga association continued to operate its independent government until February, 1778, for the Legislature of North Carolina, at its Session in 1777, by Chapter 31, organized Washington County, whose boundaries were the same as the boundaries of the present State of Tennessee. Officers for this new County were elected in 1778, and the entire County came under the government of North Carolina. Thus was the first settlement established in the mountains of North Carolina. Following this the tide of empire swept across the Blue Ridge into the territory of the present Western North Carolina.

Sondley, in his history of Buncombe County, Volume I at page 396 and following, tells us that in the latter part of 1784, Samuel Davidson came with his wife and infant daughter and a female servant across the Blue Ridge from Catawba River, and settled at Swannanoa, and built there his cabin home. Here, shortly afterwards, he was shot and killed from ambush by a party of Indians. His wife, child, and servant escaped and walked through the woods to Old Fort in the present County of McDowell. Sondley also says that shortly after the killing of Davidson a party of his relatives and friends came from the Catawba River settlements, crossed the mountains, formed a colony around the mouth of Bee Tree Creek, which has since been known in history as the "Swannanoa Settlements." This, according to Sondley, was the first permanent

settlement by white people within the territory of what is now the Carolina Mountains west of the Blue Ridge. From this beginning other settlements were formed, and the tide of immigration continued to flow, from the older settlements along the western fringe of the Carolina Piedmont, from Virginia, from the settlements already established along the Watauga, and considerable numbers of Dutch from Pennsylvania.

The names of our native people all over the mountains indicate the nationality of their ancestors. Everywhere you find a Scotch McKenzie, McCall, McIntire, McFarland, McIntosh, McDevitt and McGregor. We recognize the Dutch in the names of Ledbetter, Picklesimer, Underwood, Leatherwood, Hollyfield, Holloway, Underhill, Vanderhoof, Vanhook, Swayinger, and many others. The Emerald Isle speaks to us through the names of O'Neal, O'Brian, O'Connor, O'Leary, O'Mally, O'Kelly, Grady and Burke, while English names are the most common of all.

In "Our Southern Highlanders", at page 151, Mr. Kephart says: "It was the Scotchmen, in the main, assisted by a good sprinkling of native Irish, and by the wilder blades among the Pennsylvania-Dutch, who drove out the Indians from the Alleghany border, formed our rear-guard in the Revolution, won that rough mountain section for civilization, left it when the game became scarce and neighbor's houses too frequent, followed the mountains Southward, settled Western Virginia and Carolina, and formed the vanguard westward into Kentucky, Tennessee and Missouri, and so onward till there was no longer a west to conquer. Some of their descendants remained behind in the fastnesses of the Alleghanies, the Blue Ridge, and the Unakas, and became, in turn, the progenitors of that peculiar race which by absurd pleonasm, is now commonly known as the 'Mountain Whites' but properly Southern Highlanders."

Miss Margaret Morley, in "The Carolina Mountains", pages 140, 141 and 142, has this to say about our mountain pioneers: "The truth is, the same people who occupied Virginia and the eastern part of Carolina peopled the western mountains, English predominating, and in course of time there drifted down from Virginia large numbers of Scotch-Irish, who, after the events of 1730, fled in such numbers to the New World, and good Scotch Highlanders who came after 1745. In fact, so many of these staunch Northerners came to the North Carolina Mountains that they have given the dominant note to the character of the mountaineer



. . . The Celtic element has also strongly impressed a love of nature upon the people, as shown in their care of flowers and their pleasures in the beauties of the wilderness. They can tell you where to go for the finest views, and they know any peculiarity of rock or tree that may occur in their neighborhood . . . The 'Poor White' of the South must not for a moment be confounded with the 'Mountain White', the latter having brought some of the best blood of his native land to these blue heights. He brought into the mountains and there nourished, the stern virtues of his race, including the strictest honesty, an old-fashioned self-respect, and an old-fashioned speech, all of which he yet retains, as well as a certain pride, which causes him to flare up instantly at any suspicion of being treated with condescension, this pride being one of the most baffling things to the stranger who never knows when he is going to run up against it. That the people are, for the most part, of English, Scotch, and Irish descent their names show."

Such was the origin of the Carolina Mountaineers as it is recorded in authentic history.

In subsequent chapters I shall have something to say about how our pioneer ancestors—men of character and courage, and women of faith and culture, amid the hardships and hazards of an untamed wilderness, with the highest qualities of patience, self-sacrifice and fortitude carried the torch of civilization even to our remotest coves.

For the verification of the facts set forth in the foregoing Chapter I refer the reader to H. G. Wells' "Outlines of History", Conner's "History of North Carolina", Sondley's "History of Buncombe County", Kephart's "Our Southern Highlanders", Margaret Morley's "The Carolina Mountains", and Mooney's "Myths of the Cherokees."

## CHAPTER XV.

### THE CONQUERING OF A WILDERNESS BY A RACE OF HEROES.

*They go up by the mountains; they go down by the valleys unto the place thou hast founded for them. He sendeth the springs into the valleys, which run among the hills. They give drink to every beast of the field . . . By them shall the fowls of heaven have their habitation, which sing among the branches. He watereth the hills from his chambers . . . He causeth the grass to grow for the cattle and herb for the service of man . . . He appointeth the moon for the seasons; the sun knoweth his going down. The sun riseth, they gather themselves together . . . Man goeth forth to his work, and to his labor until the evening.*  
PSALMS, Chapter 104, parts verses 8 to 23, inclusive.

The first of the Mountain Counties to be settled, as I am pleased to classify the Mountain Counties, were Surry, which was formed in 1770, from Rowan County; Wilkes, which was formed from Surry County in 1777; Burke, which was formed from Rowan County in 1777; and Rutherford, which was formed from Tryon County in 1779.

The settlements in these Counties, even before the Revolutionary War, extended into the present Counties of Stokes, Alleghany, Ashe, Watauga, Caldwell, McDowell, and Polk, which were not organized as separate Counties until after the Revolution.

As related in the preceding chapter, the Watauga Settlement was established in 1768-69, and had been incorporated into Washington County, North Carolina, by Act of the Legislature in 1777.

When the pioneers first commenced to settle the Carolina Mountains west of the Blue Ridge and South of the Unakas, there were no roads leading across the mountains, and travel by vehicle of any sort was impossible. But everywhere there were buffalo trails leading across the ridges from cove to cove and across the

higher mountains from valley to valley. As the herds of buffalo traveled westward, these trails were used by the Indians in their hunting excursions and when going from one Indian village to another. They were on as perfect grades as if they had been surveyed by the best of engineers, and this was because it is the nature of the buffalo to follow the course of least resistance. Our first settlers used these trails when they crossed the mountains to settle the country now known as the Carolina Mountains west of the Blue Ridge.

The pioneers came to this section over these buffalo-Indian trails, on foot or by horseback, and carried on pack mules or pack horses such clothing and household goods as they had, although it is said that some few of them undertook to haul their household goods on sleds. They did not bring much with them. Most of them had a few bed clothes, and a few articles of family clothing other than what they were wearing. Those who were so fortunate had a large pot, an oven and lid, a skillet, a frying pan, a wooden tray in which to mix meal for bread, a pair of pot hooks, and those who could afford it carried hand mills with which to grind grain. To the foregoing may be added a chopping axe, a foot-adze, a saw, the metallic part of a hoe, and a few plates and spoons, usually made of pewter; a frow for splitting boards, an auger, and a plow point. Of course each pioneer carried with him seeds of grain and vegetables for his first crop. A few of them brought young fruit trees—peach, apple, cherry, and plum—as is evidenced by apple trees here and there that are still bearing, and said to be more than a hundred and fifty years old. And you may be sure that every family had a Bible; for those sturdy pioneers were a religious folk, and were seeking religious freedom in a new and unsettled country. I have read, and have heard through tradition, that almost every family had a fiddle, and I think that this must be true, for otherwise we could not account for the fact that, to this good day, every community in the mountains has its old time fiddlers, "one of whom I was often which", as the old preacher said when he was comparing himself with the Saints.

The male members of the family had each a trusty rifle, without which the pioneers could not have long survived, for the forests were full of terrors and dangers—wolves, catamounts, panthers, and rattle snakes, and men more savage than any of these were inhabitants of the wilds.



When the pioneers reached a spot that pleased their fancy, there they stopped and commenced to build. Logs were cut for a cabin, and these, with the aid of horses, were dragged, or "snaked", on the ground to the cabin site, and then they were ready for the "house raising". The men did such work as this in gangs, for it was of a character that demanded collective cooperation and quick completion. Sometimes this organization was due to the natural attraction such work had for daring souls, especially for a leader famed for his skill with axe, or broadaxe, or foot-adze. And then the logs were notched and the cabins were built. The rafters consisted of poles, resting on the "wall-plate", or top log, which was hewn flat and smooth on the top and was usually wider than the other wall logs; and as the rafters extended over the outer edge of this "wall-plate" a considerable space was left on it, which was later used for shelf room.

With frow and mallet, boards were split for the cabin's roof, and when the boards were placed on the rafters they were fastened down with poles and stones; for when the first pioneer cabins were built there were no nails. The floors, tables, windows, and door shutters were made of puncheons, that is, of trees split open in the center by maul and wedge, and then hewn down with broadaxe and foot-adze so that the joints were made to fit almost as perfectly as if they had been made of plank and dressed in a planing mill. The chimneys were built of stone and red clay mortar. The cracks between the logs with which the cabin was constructed were "chinked and daubed"; that is, the cracks were filled with sticks and small stones and then filled in with mortar made of mud. Next beds were built and were usually fastened to the walls, and, in the absence of chairs, stools and benches, without backs, were made upon which to sit. At first there were no panes for the windows. A wooden shutter made of puncheons was fitted into the openings fashioned in the walls by sawing out pieces of the logs, and these as well as the door shutters were hung on home made wooden hinges.

After the completion of the cabin, log stables were built for horse and cow. His buildings being thus completed, the pioneer next turned his attention to the necessary means for the support of his family, relying in the main on his own keen eye and his sure-shooting rifle; for everywhere there were great herds of the sluggard buffalo, the majestic elk, and the fleet-footed deer, which, until the white man came, browsed in the forests undisturbed except by the

swift-winged messenger of death shot from the bow of the savage huntsman.

The woods were full of bear, raccoons, and squirrels fattened on chestnuts and hickory nuts; the rippling streams were alive with trout and fish of other kinds; and the land was fairly sweetened with honey, for wild bees swarmed through the forests as thick as mosquitoes in the swamps of Florida.

We are told in Thwaite's *Life of Daniel Boone* that "at first buffaloes were so plentiful that a party of three or four men with dogs could kill from ten to twenty in a day; but soon the sluggish animals receded before the advance of the white men, hiding themselves beyond the mountain wall." (See Thwaite's "Daniel Boone", pages 17 and 18. And at page 90 it is said: "They exhibited no fear until the wind blew from the hunters toward them, and then they would dash wildly away in large droves and disappear.") Thwaite says that until Daniel Boone settled permanently in Kentucky, he and many others spent their entire time hunting in the mountains, and regularly carried the hides and hams of buffalo and deer to the markets in Salisbury, where they were sold for cash or exchanged for sundry supplies.

The very old men of Graham County have told me that when the territory now embraced within the boundaries of that County was first settled, the people were told by the old Indians living there that the last buffaloes seen in the mountains of Western North Carolina were killed in that County, and from this fact East and West Buffalo Creeks and Buffalo Township derive their names.

Down in the southeast corner of Macon County, near my native home, there is a low, swampy place known as "The Glades", and in that swamp there is a place which from the early days up to now has been known as "Buffalo Wallow." The old hunters said that the herds of buffalo were in the habit of coming to this place in hot weather to wallow in the mud.

My ancestors, both on my father's and my mother's side, were pioneers—my father's people in Rutherford County, and my mother's people in what is now Jackson County. After assisting as a Colonel in the United States Army, in the removal of the Cherokee Indians to the Indian Territory, my father and mother settled in Whiteside Cove, in the southern part of the present County of Jackson. With the exception of my mother's parents their nearest neighbor lived five miles away. Their first habitation

was the typical pioneer one-room cabin. I, myself, am almost a pioneer. At all events, as a young boy, I lived under primitive conditions. I well remember the old tar-axle wagon whose spindles were greased with tar extracted by means of heat from pitch or very rich pine. On cold nights this tar would freeze and the oxen would pull the wagon a half mile with the wheels locked, or until the tar melted sufficiently to loosen the wheels. After the wheels were thus released you could hear the wagon creak for another half mile.

I was the youngest child in a family of ten. My father was nearly sixty years of age when I was born; and I knew several old hunters who were a generation older than my father. I particularly remember old "Uncle Bobby McCall" who lived only a few miles away, and whose descendants still live as first rate citizens in the same community. This old gentleman often visited my father, and sometimes he would prolong these visits for a week at a time. It is said that he spent his entire life as a huntsman; or, at least, as long as he was able to see and travel, he having lived to be nearly a hundred years of age. In my imagination I can see him now, with his snow-white hair and beard, sitting in the corner by a blazing fire, smoking his cob pipe, as he made my hair stand on end and my flesh creep, while he recounted his hunting exploits, and his encounters with enraged panthers, bears, and wolves. He killed many buffaloes in his time; and I have heard him say, and I have heard my father and mother and others say, that in those early days it was nothing unusual to see fifty deer in one herd and fifty wild turkeys in one flock, while other edible fowls and animals were just as plentiful.

When their buildings were finished every pioneer cleared a field, split rails from chestnut trees with wooden mauls, iron wedges, and wooden gluts, and enclosed his field with a rail fence. These fences were built "horse-high, bull-strong, and pig-tight," which, being interpreted, means that the fences were so constructed that they kept domestic and wild animals on the outside. The fields were cleared by digging or "grubbing" up the bushes and saplings, "root and branch", with a mattock. Only the smaller trees were cut down, and these were used for fire wood. The larger trees were "deadened", that is, they were chopped clear around with an axe, each stroke of the axe going through the sap. August was thought to be the best month for "deadening", as experience proved that the



tree would be more likely to die if deadened in that month. After a few years these trees would begin to fall. They were then cut into lengths ten or fifteen feet long, and the neighbors were invited to a "log-rolling". The logs were rolled, or carried by means of "hand-spikes", and piled into "log-heaps" and then burned. Timber had no great value then except as it was used to meet primitive demands, and the forests were so vast and dense that there appeared to be an inexhaustible supply. I have been to many log-rollings when whole poplar and walnut trees were cut, piled into heaps and burned. Such trees would now bring one hundred dollars per thousand feet. The first lumber my father used was sawn by a "whip-saw", which was practically the same as the more modern "cross-cut". A log was rolled on to a frame and one man stood on the ground and the other on the frame, and the log sawn into lumber.

When the pioneer made his crop and thus provided for his next year's bread, he spent the remainder of the year in hunting. Until they commenced raising cattle, sheep, and hogs for domestic use, hunting and the killing of wild animals to supply their tables was absolutely essential. There was very little money in those days, and the principal medium of exchange was pelts or the cured hides of animals. These, with deer, buffalo, and bear hams were carried on pack horses to the markets in central North Carolina and to South Carolina and other contiguous States, and there exchanged for salt, iron, powder, lead, and other necessities that could not be produced in the mountains.

We are told that the flint-lock, long barreled rifle was used by the pioneers, and in fact remained in use throughout the mountains until about the commencement of the Civil War. These early hunters became unerring marksmen, and it was essential that they should be so, because if they missed the first shot, before they could wipe out their rifles, recharge them with powder from the ever present powder horn, and then take a bullet from the shot-pouch, "ramrod" it down the rifle barrel, and then "prime" the flint-lock pan with powder, the animal that escaped the first shot would be a mile away. It was this "sure shooting" that stood the mountain men in such good stead at the battle of King's Mountain, and in the many bloody fights with the Indians.

The time came, while the settlements in the mountains were still young, that iron was discovered, and mines were opened and operated in Stokes, Ashe, Mitchell, Transylvania, Buncombe, Chero-

kee, and other Counties. This iron ore was smelted in furnaces prepared for the purpose, and then hammered into bars at the forges, and then sold to the settlers. Each farmer was his own blacksmith, and made his own hoes, plows, shovels, horse shoes, nails, etc. Following this discovery of iron, tools became more plentiful, and better methods of farming were introduced. Every farmer had his tanning trough. This was nothing more than a trough cut out of the upper side of a large log. In this trough the hides of cattle were tanned with chestnut oak or hemlock bark, part of the hides being tanned for "upper" leather and part for "sole" leather, and from the leather tanned in this manner the mountaineer's shoes were made.

There were traveling shoe-makers in those old days. The shoe-maker would stay at a home until he had made shoes for every member of the family, and then go from house to house until he had "shod" every family in the community. In the same trough in which the cattle hides were tanned, deer hides and ground-hog skins were also tanned for shoe-strings and "whang" leather, that is, leather cut into strings to be used in making or mending harness.

For many years after the pioneers came they had no means of weaving cloth. They had no money with which to buy it, even if there had been any cloth conveniently purchasable. So the first settlers dressed in skins. A tow-cloth hunting shirt, buckskin breeches, with leggings and moccasins of the same material, and a cap made of the skin of a coon, beaver, otter, or fox constituted the male pioneer's raiment. It is said, however, that the men managed to do a little better by their women folk; for cloth suitable for women's clothing in a frontier settlement was brought back on their return trips from the markets, although skins continued for many years to form part of women's clothing, as they likewise did in the make-up of the bed-clothing.

But, at that, their plight was not so bad as that of our primeval parents. We are told that at first, Adam and Eve wore no clothes at all. In those first days in the history of the human race, Eve was attired only in sunshine, while Adam was clad only in climate. It is true that after they had tasted the fruit which hung in fatal fascination from the branches of the Forbidden Tree, their eyes were opened, and then, for the first time, they discovered that they were naked, whereupon they sewed together some fig leaves and made themselves aprons; but it was not until after they had been

driven from Eden's ambrosial bowers, and the sword of Retribution had been hung above the gates of the Garden, and they had been forever closed against the children of men, that the Lord made coats of skins and clothed them. In the early days, grist mills came into use in the mountains and were operated by water power. These mills are still used all through the mountains.

After the first few years the pioneers began raising sheep, not only for mutton, but for their wool. Looms, spinning wheels, reels, winding blades, and warping bars were constructed; cards were procured, and most of the pioneer women learned the art of weaving cloth. The sheep were sheared by hand. The next step in the process of weaving cloth was to pick the sticks and burs from the wool, and it was then washed as many times as might be necessary to make it perfectly clean and white. Then with coarse cards, called "breaking cards", the wool was carded into large flat rolls, called "bats".

These rolls, or bats were then thoroughly greased with lard, after which, when the wool became perfectly dry, with finer cards the bats were carded into small, round rolls of equal length with the cards, which were usually ten or twelve inches long. When the desired quantity of rolls had been made, a piece of corn shuck was twisted around the spindle of the wheel, one end of the roll was then pressed against the spindle, which turned as the wheel was made to revolve, and when the roll became fastened to the shuck on the spindle, it was drawn out as the spinner walked backward until the roll was spun into a thread, whereupon the wheel was reversed and caused to revolve backward, while the spinner walked forward and wound the thread around the shuck so fastened to the spindle of the wheel. When as much thread as the shuck would hold had been wound around it, the finished product became a brooch, with a corn shuck core. When the rolls had all been spun and wound on the brooches in this manner, the thread was "reeled". The brooches were then placed in a basket or other receptacle and wound on the reel into "hanks" or "skeins". Under the older process the revolutions of the reel had to be counted in order to know when the hank or skein was of the proper size, but finally a device was invented which, when attached to the reel, would crack when the reel had made a hundred revolutions, that number being necessary before the hank or skein was of proper size. Next, a quill made of wild cane, was placed on the spindle of the spinning wheel,



and the hanks on skeins of thread were put on the "winding blades" which consisted of a wheel that turned on a socket on an uprigh frame. The winding blades revolved horizontally instead of perpendicularly as the reel and spinning wheel revolved. A quill was then placed on the spindle of the spinning wheel, and the thread was wound off the winding blades until the quill was full. Four of these hanks would make a yard of cloth, and when the thread was so placed on the quills, the quills were ready for the shuttle. When the thread was thus prepared it was called the "filling" or the "woof". Next the "chain" or "warp" was prepared. For most kinds of cloth the chain or warp was composed of cotton thread which came in very large hanks. These hanks were first put on the winding blades and wound on "spools", usually made of corncobs, with the pith removed so they could be put on the spindle of the wheel. Some people had "warping bars" built on movable frames, but as a rule auger holes were bored in the side of a log crib or barn, with round, wooden pins driven into them, and the warping bars made in this manner were stationary and more or less permanent. The corncob spools were placed on perpendicular pins fastened into a frame built for that purpose. The thread was then drawn back and forth from one end of the warping bars to the other, as it was unwound from the spools, until sufficient thread was "warped" for the number of yards which the proposed web of cloth was to contain. The chain when so warped was wound around the beam at the back of the loom and the loose ends of the threads were then passed through the harness and then through slays, which are made of split reeds and built in as part of the batten, the last named being a movable bar which strikes in or closes the thread of the woof. Each quill with the woolen thread wound around it was placed in the shuttle; with one foot the weaver pressed down a pedal, which caused the chain to separate, thereby leaving a space with half the threads above and half below; the shuttle was thrown through this space by one hand and caught by the other, leaving therein a thread of the woof; then with the other hand the weaver would bang the batten against the thread, two licks for single cloth such as linsey, three licks for jeans, and four licks for woolen blankets, bed-spreads, and coverlets. When the cloth was woven it was tailored at home and sewn by hand, for it was not until comparatively recent years that the sewing machine appeared. All of the foregoing equipment for the weaving of cloth

was made by hand, and for many years it was made of timbers hewn from trees. When the saw mill came into use such equipment could be made with less difficulty. In this manner the mountain men and women were clothed for many generations and except in isolated instances among the more well-to-do where men wore broadcloth, and the women wore silks, the mountaineers wore home-spun until forty or fifty years ago.

For the greater part of the first sixteen years of my life I was a "house-ridden" invalid, and it was part of my occupation during this period to help "pick" the wool, card the "bats", and "warp" the "chain", preparatory to the weaving of the cloth. I could never learn to card the rolls, for I would invariably get too much or too little wool into them, and to make the thread as it should be it was important that the rolls be of uniform size.

Hundreds of days and hundreds of nights until midnight, I have listened to the hum of the flying shuttle, the banging of the drumming batten, and the whir of the spinning wheel, mingling their music with the music of the wind as it sighed through the pines and the oaks that stood in the yard, while the white woolen thread vanished from the whirling quills, only to reappear a little later in heavy bolts of blankets, linsey, and jeans.

I was the youngest of five brothers, and by the time clothes had been made for my father and these older brothers, the jeans was about all gone; and so my clothes were usually made of scraps left over from the other suits. I never had a full suit of clothes made of the same kind of cloth until I was sixteen years of age, and I was seventeen when my first suit was bought from a store. I have had many a coat and many a pair of trousers (breeches) made of scraps of jeans of five different colors—gray, blue, brown, black, and tan. But such raiment was good enough for me, for I had nowhere particularly to go.

It may be that these multi-colored clothes cannot be said to have been "a thing of beauty", but it can be said with truth that they were "a joy forever", for it was impossible to wear them out; besides, they were comfortable, and they defied the cold of winter.

All through the mountains the soil of the coves and valleys was exceedingly fertile, the climate was mild for eight months in the year, and the range was free, and the live stock of every man grazed undisturbed on his neighbor's land; and cove and valley, hill top and mountain side was one unbroken pasture of luxuriant wild

grasses which grew high enough to be mown for hay. And so, after a while, the principal wealth of the well-to-do was in herds of horses, cattle, and sheep, and in droves of long-snouted "razor-back" hogs. Every year droves of such live stock were driven on foot to the markets in Augusta, Charleston, and other southern towns.

In those days and until recent years, chestnut trees formed from one-third to one-half of the trees in the mountain forests. Now nearly every chestnut tree has been killed by a devastating blight, for the eradication of which science has so far been unable to find a remedy; but during the periods of which I am writing every land owner had his herd of "razor-back" hogs roaming freely in the woods, and multiplying of their own accord.

At the falling of the leaves in autumn time the ground was covered with chestnuts, hickory nuts, and acorns, and upon this "fruit" of the forest the hogs feasted until they became so fat that they could hardly walk. They were then driven home by faithful hounds trained for that purpose, and were put into a lot until "hog-killing day". As many as might be necessary to provide bacon and hams for the ensuing year were put into pens and fed on corn for a few weeks for the purpose of "hardening the tallow", for "mast-fed" pork, although it is a most toothsome morsel while fresh, does not make good bacon. On "hog-killing day" stones were heated in log-heaps, and put into barrels until the water reached the right temperature; the slain hog was then put into the barrel and the hair scraped off with butcher knives, and when the "killing" was finished and the hogs "dressed", a wagon was loaded with whole dressed hogs and carried to market where they were exchanged for flour, sugar, coffee, salt, pepper, matches, and other articles in sufficient quantities to last for a year. But be it remembered that the entire hog was utilized—head, feet, backbones, ribs, middlings, shoulders, and hams. Even the hair was saved to be used in the making of harness and cushions. And in those good old days it would have been considered a sin, or at least a sinful waste, not to save the "chitterlings." But you seldom see chitterlings in the mountains in these modern days of fashion and fastidious tastes. The colored people, however, remain true to their "first love". They go around to the "hog-killings" and gather up the chitterlings, and then invite the neighbors in to supper, and call it a "chitterling strut", at so much per *strut*.



But even to this day, in Georgia, South Carolina, and Central and Eastern North Carolina, the chitterling is still a favored dish. In the wealthy and progressive City of Winston-Salem there is a social club, duly chartered, organized, and existing, with duly elected officers, and with a large membership composed of lawyers, doctors, teachers, and business men, which was formed under the name of "The Cheerful Chitterling Chewers Club." Under this name the club has been functioning for several years, and I am informed that there is a mandatory provision in its constitution that requires the club to have at least four "chitterling struts" each year. I was invited to attend the "strut" held in the early part of December, 1939. I attended the supper, and when the meal was finished my application for membership was voted on by the whole house. There are three requirements for admission. You must be a man of good character; you must pay an initiation fee of ten cents; and you must demonstrate to the attending membership that at this particular supper you have eaten at least three yards of chitterlings! Reade Johnson, prominent attorney of Winston-Salem, whose guest I was on this delightful occasion, vouched for my character, and paid my fee, and I fulfilled the third requirement in person. I was unanimously elected; after which I was required to subscribe to the following obligation: "In the presence of the members of this honorable fraternity I pledge, on my most sacred honor, that I will never divulge the secrets of this noble fraternity; that I will never kick a hog when he is down; that I will never punch a hog below the belt; I will never do anything that will disgrace a hog; that I will so live as to keep myself physically and mentally fit to eat chitterlings on all occasions when they are within reach; that upon receiving information that a brother of this fraternity is sick, instead of sendnig him flowers, I will send him a plate of chitterlings!"

When an applicant is elected to membership in the Cheerful Chitterling Chewer's Club, *ipso facto* he becomes a member of the National organization, which issues to him a beautifully printed certificate. Mine is in words and figures as follows:

"Society of Tripe and Chitterling Eaters of America:

This is to certify that Judge Felix E. Alley is a full-fledged member of the Society of Tripe and Chitterling Eaters of America; that he is qualified for this high and exalted honor for having displayed during the depression-swept, bank-bursting period of

falling prices and empty pocket books, the intestinal fortitude and courage characteristic of a heads-up and chest-out he-man; and that he is here now and hereby, now and forevermore entitled to all the high social and political honors, emoluments, rights, privileges, and prerogatives attached and appertaining to the membership of this great, grand, and glorious Society.

(Signed) B. J. Findley,  
Exalted Long Chitterling  
D. N. Hire  
Chief Big Tripe  
W. B. Clinard  
Grand Noble Short Chitterling."

So I bid the chitterling lover to take hope, for it seems to me that if a club such as the one above described can be successfully organized and operated by the *intelligencia* of a progressive city like Winston-Salem, that fact alone furnishes plenary and convincing proof that the present generation is making such progress in the theory and practice of gastronomy that the humble chitterling of ancient fame and renown may be restored to its former prestige, and again come into common, general, and approved use. If that glad day is destined to come, I hope that it will be in my time, for the most toothsome morsel that ever passed my lips is a chitterling prepared and cooked *a la mode*, except it be a rasher carved from the ham of a razor-back hog which has been fattened on chestnuts.

Many years ago a preacher by the name of *Ham* held some meetings up in our mountain country. He was introduced to a certain mountaineer who did not at first understand the preacher's name. So he said: "I beg your pardon, but I failed to get your name." Whereupon the preacher said: "Well, you just think of that part of the hog which you consider the best part, and you will have my name." Instantly the mountaineer grabbed the preacher by the hand, began pumping it up and down, and exclaimed: "Why, howdy-do, Mr. Chitterling; I shore am glad to shake hands with the best part of a hog!"

At last roads were built in the mountains, connecting not only the various communities, but leading across the Blue Ridge to the older settlements in North Carolina, and across the mountains into Virginia, Tennessee, Georgia, and South Carolina. These

roads followed the course of least resistance, being constructed on the banks of the streams where possible, and, of course, the construction of them required a period of years; for all of them were made with free and voluntary labor, with no other tools than the shovel, pick, and mattock.

As the roads were built mail routes were established, and the mails were carried on horseback and by stage, and thus was communication established connecting the communities with one another, and with the settlements in this and other States.

Log churches and schoolhouses were built, although for many years there were no public schools; but be it remembered that the first school law ever enacted for North Carolina was not enacted until the year 1839. Much earlier than that, however, many families throughout the mountains employed private teachers for the education of their children, and here and there private schools were conducted for a part of each year, each family paying a certain amount to provide a fund for the teacher's salary. When the first public school law was passed, and for many years thereafter, the public schools thereby authorized were of but little benefit to the remote and smaller districts in the mountain Counties. The public school money was derived from a tax on property, and the money thus collected was apportioned to each District in proportion to the amount of taxes paid by that District. The result was that in my District in Whiteside Cove the public money amounted to a sum sufficient to pay a teacher \$20.00 per month for a term of six weeks. Sometimes that fund was supplemented by the private subscriptions of the patrons, and in this manner the six weeks was extended for two or three months.

It was not until Charles B. Aycock was elected to the Governor's Office in 1900, that the public schools were of any great value to the youth of the mountains. Laws were enacted permitting (at first) Townships and (later) separate Districts each to vote a special tax for the purpose of raising money to supplement the County school fund. Elections for this purpose were held in a great many Districts, and numerous school terms were lengthened by means of such local taxes. But, while for several generations the children of the pioneers had but little education that is obtained from books, but it must not be understood that they were without knowledge. The open book of nature was always before them. They knew the ways of the wilderness; they understood storms and floods, the trees and forests,



the wild animals and the Indians; and they knew how to live in the mountain fastnesses, where they were surrounded by thousands of hidden dangers.

Such was the life that our pioneer mountaineers lived; and notwithstanding the hardships incident to such a life, it was a happy and contented life, too.

Stoves and cooking ranges were unknown in those days, and the fireplace in every dwelling extended nearly across the end of the house. In many of them there was a swinging crane, on which to hang the pots above the fire when cooking was being done. But let no one think that they did not "fare sumptuously every day." There is something abnormal about an appetite that could crave more or better food than they enjoyed. Corn "dodger" baked in an oven on the open hearthstone in front of the fire, with oak or hickory bark coals beneath the oven and on the lid; venison, buffalo, or elk steak; wild turkey, pheasant, quail, or mountain trout; bear or raccoon pork, with home grown vegetables and wild greens; tea made of sassafras roots or spice-wood twigs, sweetened with wild honey stolen from sour-wood blossoms by bees which had their habitat in a hollow black-gum tree; or milk cooled in an ice-cold spring gushing out from the heart of a hill—such food was not only "fit for a King", but surpassed the fabled ambrosia of the Grecian Gods, which was believed to confer eternal life.

The pride of the pioneer man was to raise crops from the fertile soil, to be persistent and expert in the pursuit and slaughter of wild game to provide for his family, and to be brave and courageous in the protection of his wife and children from ferocious beasts and savage men. And the glory of the woman was to labor by day and by night, both in the house and out of doors, to aid her husband, in feeding, clothing, and maintaining the family. These pioneers were content with the plain, substantial things of life, and they had no luxuries. They cultivated social and friendly habits, lived economically, and lived by the code that everyone was their neighbor who was within their reach and needed assistance that they could render.

There were very few doctors to be called in, as now, to diagnose every ache and pain. There were no druggists to fill prescriptions written in the language of ancient Rome. There were no hospitals, no trained nurses, no funeral homes. But the Creator Himself had planted in the rich soil of the mountains herbs in countless variety

to cure or mitigate every ill, and so, every man was a doctor and every woman a nurse.

If there was serious sickness in a family, rich or poor, the neighbors came in and rendered every possible service until the patient recovered or died; and if the patient died, the neighbors made the coffin, dug the grave, and buried the dead.

In my own experience I have seen it occur many times that in case of serious sickness in a family in the early spring, the neighbors would gather together on a given day and plow and prepare the land and plant the crop. If the sickness occurred later on in the season, they would get together a sufficient number of men, horses, plows, and hoes to cultivate a ten acre field of corn in a day. And if the sickness occurred in the autumn time, in the same way these Golden Rule neighbors would harvest the crop.

When a farmer gathered his corn crop in the fall he would pile it in a large heap by the side of the crib, and the neighbors would gather in and shuck (husk) his entire crop in a day. If a man desired to build a new house or a barn, he would prepare his logs, and the neighbors would congregate early, and by night fall the house or barn would be ready for the roof. If he desired to clear a "new-ground" the neighbors came in and helped; or if he had cleared the land himself, the neighbors would come and help him "roll" his logs, at a "log-rolling" that would last all day, and at a "rail-splitting" they would split enough ten-foot chestnut rails in a day to fence a ten-acre field.

They knew and appreciated the Parable of the Good Samaritan, and they practiced altruism from altruistic motives. They may have been uncouth, untutored, and uncombed, as it has often been said by outside writers, but they were strong of arm and noble of heart. They were strong, sturdy, self-reliant men and women, whose red-blooded courage made it possible for them to carve our great mountain empire out of a raw and rugged wilderness. In their day, virtue stood erect and walked with majestic stride through land, while vice fled from the gaze of honest men, or hid its ugly deformity in the secret dwelling place of the solitary villain.

The pioneers lived honorable, upright, clean, and wholesome lives, and they died as a rule, in extreme old age, at peace with their neighbors and their God.

Much of the foregoing chapter is based on my own experience as a "near-pioneer", and from information that I have gathered

throughout my life from talking with very old men. I also refer the reader to Arthur's History of Western North Carolina, Griffin's History of Old Tryon and Rutherford County, and Kephart's Our Southern Highlanders.



## CHAPTER XVI.

### MOUNTAINEER COURAGE.

*(They) quenched the violence of fire, escaped the edge of the sword, out of weakness were made strong, waxed valiant in fight, (and) turned to flight the armies of the aliens.*

HEBREWS, Chapter 11: 34.

Several years ago while I was practicing law, I defended a man who was indicted for a homicide, and, much to the sorrow and disappointment of both of us, my client was convicted by the jury of murder in the second degree.

I then proceeded to appeal for mercy for him before a Judge whose home was in one of the eastern Counties of the State. A lawyer from a distant County, who, in his younger days, had been a stenographer, was present when I made my appeal, and he wrote, in shorthand, the colloquy that occurred between the Judge and me, the substance of which I quote below, my lawyer friend having furnished me a copy some years later.

My client had based his right to a verdict of not guilty on the plea of self-defense. As I was proceeding with my appeal the Judge inquired: "Your mountaineers are rather free to fight, are they not?" I replied: "I am not sure that I understand just what your Honor means." Said the Judge: "I mean to ask if it is not characteristic of the mountaineer that he will fight on the slightest pretext?" To this question I made the following reply, as my lawyer friend noted it at the time: "No, sir, the mountaineer does not fight on the slightest pretext, but he will fight for his rights. Zeb Vance was a mountaineer, and he fought, not on the slightest pretext, but because he was willing to give his life for the Southern Cause. My father was a mountaineer, and he fought. He was a soldier of two wars, besides serving as a Colonel of the Militia in the removal of the Cherokee Indians. He fought, not on the slightest pretext, but because he believed his cause was just. It was

the men of the North Carolina mountains who met the "red coats" and the glittering steel of England in the Battle of King's Mountain. They fought there, not on the slightest pretext, but for a victory that made possible the triumphant glory of Yorktown. And it was the Thirtieth Division, composed largely of Carolina Mountaineers, that broke the Hindenburg Line, and stayed the bloody hand of Germany in her murderous assault on all mankind. Oh, yes, the mountaineer will fight, not on the slightest pretext, but in defense of his lawful rights; and he has contempt for danger when he deems his quarrel just."

When I uttered the above words, I described the true characteristics of the average mountaineer, for it is a fact which will be readily conceded by all who know them, that among the Carolina Mountaineers there is nothing more common than courage, and nothing so rare as cowardice. Such has been the character of our mountaineers from the time of the first pioneers; and they have demonstrated their courage on many a bloody battle field.

During the first years of the Revolutionary War, the mountain section did not suffer much from the conflict. The Cherokee Indians were irreconcilably hostile to the Americans. They had been previously armed by England, and the British Government was unremitting in its efforts to secure their active assistance. The white mountaineers, however, had been able to prevent the Cherokees from joining the British Army in South Carolina and Georgia; consequently North Carolina was free from invasion by the British until after Charleston fell in May, 1780. Following the fall of Charleston, Sir Henry Clinton spent his time for the next few weeks in issuing proclamations and laying plans for the overthrowing of North Carolina. He divided the country into sections with different officers in charge, to whom had been delegated authority to organize and regulate all volunteer troops among the inhabitants, to ascertain the amount of grain and the number of live stock and report to Lord Cornwallis. These duties were entrusted in large part to Major Ferguson in Western North Carolina.

The younger men were drilled by him and his subordinate officers and prepared for active service. During the months of June and July, 1780, large parties were sent out to apprehend all "rebel" leaders who could be found. The horses of Ferguson's men were turned loose in fields of grain; his soldiers ruthlessly slaughtered cattle in the woods; and patriots were arrested and sent to prison

at Ninety-Six in South Carolina, for no other reason than that they were supporting the American cause.

An invasion like Ferguson's, with its depredations and its horrors, and the uprising of the Tories, inevitably led to bitter conflict.

During the following summer months Ferguson ranged back and forth across the State line, searching for prominent Whigs or Patriots, plundering the people wherever he went, and administering the oath of allegiance to Great Britain to all he could induce to take it.

On the 29th day of August, 1780, Lord Cornwallis of the British Army made the following announcement to Sir Henry Clinton: "Ferguson is to move into Tryon County, with some militia." Soon thereafter Ferguson, with his soldiers, came into Rutherford County, which, along with Lincoln County, had been formed from Tryon County in 1777. He made his camp at Gilbert Town, which was the first county seat of Rutherford County, and was situated one mile north of Rutherfordton, the present county seat. From every direction people came to Gilbert Town, the headquarters of this famous officer of the British Army, believing that, in view of the fall of Charleston, and of the other reverses suffered by the Americans in South Carolina, the American cause was now a lost cause.

While stationed at Gilbert Town, Ferguson led his forces against Colonel McDowell's men, who were encamped at the head of Cane Creek in what is now Burke County. The British had their camp at White Oak Springs, a mile or so to the east of the village of Brindletown in the southeastern part of Burke County (as it is now formed), on the road leading from Morgantown (Morganton) to Gilbert Town. After learning the British position, McDowell, realizing that his force was too small to meet the enemy in open battle, waylaid them at Bedford's Mill in the southeast corner of what is now McDowell County. At this place an indecisive battle occurred. The British succeeded in driving McDowell's forces back; but McDowell's men, in a well-planned bush-whacking movement, in which their comparative weakness could not be ascertained, inflicted, with their unerring marksmanship, considerable havoc upon the British and the Tories.

In the year 1840, at the point here described, a considerable number of British and Tory skeletons were uncovered.



Major Dunlap of the English Army was here wounded in the leg and was carried by Ferguson's men back to Gilbert Town; while McDowell and his men, numbering one hundred and sixty, going up the Catawba Valley, hurried across the Blue Ridge to the Watauga settlements in what is now Tennessee.

The British had exhausted their food supply, and, after the battle of Cane Creek, part of Ferguson's forces went into the territory now embraced in McDowell County, as far as to Old Fort, looking for cattle and supplies. But, obedient to the warning of Colonel McDowell and his men, the people had driven their cattle into the mountain fastnesses and Ferguson's men had no choice except to return empty-handed to Gilbert Town.

In the weeks that followed, marauding bands, composed of British soldiers and Tories, went over the country, plundering and stealing everything they could make use of and keeping the people of the county in continual fear and terror.

In the meantime, "while at Gilbert Town, Ferguson heard that Jonathan Hampton, a son of Colonel Andrew Hampton, residing in the vicinity of Gilbert Town, held the King's authority in great contempt; that he had the hardihood to accept a commission of Justice of the Peace from the Rebel Government of North Carolina, and had only recently ventured, by virtue of that official instrument, to unite Thomas Fleming and a neighboring young lady in the holy bonds of wedlock. A party of four or five hundred men was dispatched, under Majors Plummer and Lee, to visit the Hampton settlement, four or five miles southwest of Gilbert Town, to apprehend young Hampton, and possibly entrap his father at the same time. But Colonel Hampton had left the day before, and reunited with McDowell's forces. Riding up to young Hampton's cabin, they found him sitting at the door, fastening his leggings, and getting himself in readiness to follow his father to the Whig camp in some secluded locality in the mountain coves of that region. At this moment James Miller and Andrew and David Dickey, three Whig friends, came within hailing distance and hallooed: "Jonathan, are those men in the yard friends or foes?" Hampton, without exercising ordinary prudence, replied: "Whoever you are, they are d— Red Coats and Tories—clear yourselves!" As they started to run, the Tories fired two or three volleys at them; but they fortunately escaped unhurt. Perhaps Hampton presumed somewhat on his partially crippled condition that for-

bearance would be shown him, for he was reel-footed; yet managed to perform many a good service for his country, and, as in this case, would lose sight of self, when he could help to benefit friends. Mrs. Hampton chided him for his imprudence, saying: 'Why, Jonathan, you are the most unguarded man I ever saw.'

The Tory party cursed him for a d— Rebel, and Major Lee knocked him down and tried to ride over him, but the horse jumped clear over his body without touching him. Hampton and his wife's brother, Jacob Hyder, were made prisoners; and those who had Hampton in charge swore that they would hang him on the spot, and began to uncord his bed for the purpose, when Mrs. Hampton ran to Major Plummer with alarm, and he promptly interposed to prevent the threatened execution. Major Plummer informed Hampton if he could give security for his appearance the next day at Gilbert Town, he might remain over night at home. He tried several Loyalists he knew, but they declined; and finally Major Plummer himself offered to be his security. According to appointment, the next day Hampton presented himself to Ferguson at Gilbert Town, who proceeded to examine his case. When asked his name, he frankly told him, adding, that, though in the power of his enemies, he would never deny the honored name of Hampton.

Major Dunlap, then on crutches, entering the room, inquired of Colonel Ferguson the name of the Rebel on trial. 'Hampton,' replied Ferguson. This seemed to arouse Dunlap's ire, who replied thoughtfully: 'Hampton, Hampton—that's the name of a fine looking Rebel I killed a while since on the head of Pacolet,' referring to the affair at Earl's Ford, when Noah Hampton, a brother of the prisoner, was murdered in cold blood. (Noah Hampton was killed on the night of July 15, 1780, at Earl's Ford on the Pacolet River in what is now Polk County; and although he begged for his life, he was cursed for a Rebel, and a bayonet run through his body because, as it was said, the Hampton family had been too active in their opposition to British rule.) Dunlap added: 'Yes, I now begin to recall something of this fellow; and though a cripple, he has done more harm to the Royal cause than ten fighting men; he is one of the damndest Rebels in all the country, and ought to be strung up at once, without fear or favor.'

Jonathan Hampton had, indeed, been an unwearied friend of the Whig cause. He was a good talker; he kept up the spirits of the people, and helped to rally the men for military service. Even in his

crippled condition he would cheerfully lend a helping hand in standing guard; and, when apprehended, was about abandoning his home to join his father and McDowell in their flight to Watauga. But Ferguson was more humane and prudent than Dunlap, and dismissed both Hampton and Hyder on their parole. Hyder tore up his parole, shortly after leaving Ferguson's presence; but Hampton retained his as long as he lived, but never had occasion to use it. (See Draper's *King's Mountain and Its Heroes*, pages 154-156; and Griffin's *History of Old Tryon and Rutherford Counties*, pages 57-58, from which I have copied the preceding quotation in reference to Jonathan Hampton.)

I trust that I may be pardoned for stating here that this Jonathan Hampton was my great-grandfather. He was the son of Colonel Andrew Hampton who, with McDowell, led the American forces up one side of King's Mountain, as will later appear. So it will be seen that Colonel Andrew Hampton was my great-great-grandfather. My grandfather on my father's side, John H. Alley (for whom my father was named) of Liverpool, England, and later of Petersburg, Virginia, settled at Rutherfordton and married Susan, the youngest daughter of Jonathan Hampton. On the day of their marriage, Jonathan Hampton gave to this daughter a tract of land containing 160 acres, which embraced a considerable part of the present town of Rutherfordton. About the year 1784, he obtained from the State a grant for six hundred and forty acres of land in Rutherford County, but which, when it was surveyed, was found to be situated in Obion County, in the extreme northwestern part of the present State of Tennessee. The tract embraced part, if not all, of Reelfoot Lake of Night-Rider fame. Judge M. H. Justice, of Rutherfordton, told me that the lake derived its name from Jonathan Hampton, because he was a reel-footed man; but I read in an article in the *Geographic Magazine* sometime ago, that a brave from a northern tribe of Indians stole a maiden from a southern tribe, and that, while attempting to get away, the brave sprained his ankle and it grew back in such a way that his foot had the appearance of a reel-foot; and because he limped around this lake catching fish for a subsistence, the lake was called Reelfoot. Let that be as it may, in recent years in litigation in the Courts of Tennessee in which the Jonathan Hampton heirs were made parties plaintiff, we won some strips of land to which the title had not been ripened by adverse possession, and when the land was sold and my



"ship came in," I received a perfectly good check for \$7.60 as my share!

I will now give a brief account of the Battle of King's Mountain as I have gathered it from authentic history, the authorities for which will be hereafter cited.

When Ferguson encamped at Gilbert Town in September of 1780, it was after he had had some experience with the mountain men, or "Backwater Men," as he was pleased to call them, for they had already shown him their mettle in several engagements. He now sent an oral message, by a paroled prisoner, Samuel Phillips by name, to the officers of the Watauga, the Nolichucky, and the Holston that "if they did not desist from their oppression of the British armies, he would march his army over the mountains, hang their leaders, and lay waste with fire and sword."

This message was carried directly to Colonel Shelby, with information as to the strength and situation of Ferguson's army. Shelby at once made a forty mile trip to Jonesboro to see John Sevier, and they there formulated a plan to go against Ferguson. They already knew that Colonel Charles McDowell and Colonel Andrew Hampton, with one hundred and sixty men, had retired before Ferguson's force at Cane Creek, and were then encamped on the Watauga. In response to messages sent out, Colonel William Campbell soon came with two hundred men from Washington County, Virginia; Shelby and Sevier had a regiment of two hundred and forty men each; McDowell and Hampton came with their one hundred and sixty men, and Arthur Campbell soon joined them with two hundred men from his County.

On the 25th of September, 1780, these forces met at Sycamore Shoals, or Flats, on the Watauga. From every direction the hill men came with their rifles, in all nine hundred and eighty mountaineers in homespun. Here at Sycamore Shoals they ground meal and manufactured powder and molded bullets, sufficient for their expedition. Here, too, on the banks of the beautiful Watauga they stood while Reverend Samuel Doak, a Presbyterian Minister, preached on "the sword of the Lord and of Gideon," and prayed a prayer for the success of the Patriot cause. Then the order to march was given. We are told that they went over the mountains, by Gap Creek, Crab Orchard, Big Doe River, Yellow and Roan Mountains, Roaring Gap in the present County of Avery, Grassy Creek, and through Gillespie's Gap, where, on the 29th of Sep-

tember, the troops separated, Campbell's men going south, and the others in an easterly direction, but meeting next day near Quaker Meadows in Burke County, where they made camp. Here they were joined by the troops from Wilkes County under Cleveland, those from Surry under Winston, and those from the present County of Stokes under Captain Jack Martin, whose large stone residence still stands just above Danbury.

Learning that Ferguson had left Gilbert Town, a messenger was dispatched with a letter to General Gates, requesting that he send to them a commanding officer from the regular army. Not content, however, to await response from Gates, they unanimously elected Colonel William Campbell of Virginia as their Commander, and then took up the chase.

All historians agree that here was the most remarkable army ever assembled in the military annals of America. Theodore Roosevelt, in his "Winning of the West", at page 256, says of them: "They were led by leaders they trusted; they were wonted to Indian warfare, they were skilled as horsemen and marksmen, they knew how to face every kind of danger, hardship, and privation. Their fringed and tasseled hunting shirts were girded by bead-worked belts, and the trappings of their horses were stained red and yellow. On their heads they wore caps of coon skin or mink skin with the tails hanging down, or else felt hats in each of which was thrust a buck tail or a sprig of evergreen. Every man carried a small-bore rifle, a tomahawk, and a scalping knife. A very few of the officers had swords, and there was not a bayonet nor a tent in the army." Mr. Roosevelt might have added that these intrepid mountaineers did not constitute a part of the regular army. They were not acting under the command of any army officer, or by the request of the Government. Each man provided his own equipment—his rifle, his ammunition, his food, and his clothes. Those who had them, furnished their own horses, and those who did not have horses, walked; and this was the case with a considerable number of this army of mountaineers. But they were patriots, every man of them; and they had started out to fight for a victory that has changed the tide of history for a thousand years, or more.

After marching through rain and mud, at last, on October 7th, 1780, they overtook Ferguson at King's Mountain, having been joined at Cowpens by about two hundred and ten more men under Lacy, Williams, Graham, and Hambricht. At the base of the

mountain a plan of battle was agreed upon—to attack Ferguson on four sides of the mountain at once, and so entrap the enemy in a band of fire. To accomplish this maneuver, the command was divided into four parts, which were to be led in four columns abreast. The interior of the columns were composed of men from Virginia and from Sullivan County, then a North Carolina County, but now a County of Tennessee, Campbell leading his in the right column, and Shelby leading his men in the left. The right flank was made up of men from Surry and the present County of Stokes, Ashe, Alleghany, the Nolichucky, and also from Burke County; Major Winston was at the head of the column, and was followed by Colonel Sevier. The detachment commanded by Major McDowell and Colonel Andrew Hampton was joined to Sevier's command. The left flank was composed of men from Wilkes, and those who joined the day before from the two Carolinas under Colonel Williams. Major Chronicle was at the head of this column, followed by Colonel Cleveland. The right and left flank columns were of about the same strength, and each equalled that of the two regiments constituting the interior columns. The order rang from every side of the mountain: "Fresh prime your guns, and every man go into battle firmly resolved to fight till he dies." In obedience to the command to "fight like demons," nearly a thousand men raised their guns and the great battle was on. The struggle lasted only an hour and five minutes, but it was furious while it lasted. It is said that the whole summit of the mountain was enveloped in dense clouds of smoke and broad sheets of flame, and the roar of the fire-arms seemed to shake the neighboring hills, and cause the very foundations of the mountain to quake.

The British troops and Tories several times charged the American lines with fixed bayonets, but when they did they received such a galling fire from a neighboring wing of the mountain men, that they were compelled to retreat, and the moment they ceased their charge, the American forces rallied and continued to pour upon them a deadly and destructive fusillade. Ferguson, of the enemy forces, displayed great courage. Time after time he charged at the head of his column, and finally, while attempting to break through the American lines, he was shot and instantly killed. In this engagement the British and Tories numbered 1,125 men. Of the British troops 19 were killed, 35 wounded, and 68 were made prisoners. The Tory losses were 206 killed, 128 wounded, and 640 made



prisoners, and not one escaped. The losses in the Patriot army were 28 killed, and 62 wounded, a total of 90. The booty captured by the mountain men included 17 baggage wagons and 1200 stand of arms, so that after the battle they were vastly better equipped than when they started out on their perilous undertaking from Sycamore Shoals.

Some fifteen years ago I made my first visit to the King's Mountain Battle Ground. I found there a rough, unpolished stone as a marker for Ferguson's grave, bearing his name and the date of his death. On his grave there was a pile of loose stones two or three feet high. In the July 8, 1939, issue of the State Magazine there is a beautiful legend written by Cherry Wilkins, which accounts for this pile of stones covering Ferguson's grave. It is there said that Ferguson always carried with him a beautiful girl wherever he went. On the occasion of this battle, and prior thereto, he had with him a comely girl by the name of Nancy Trevor of Boston, who was deeply in love with Major Ferguson, albeit he often ill-treated and neglected her. While the battle was raging, Nancy saw a mountain man lift his gun and take deliberate aim at Ferguson. Nancy snatched a gun and shot the soldier before he could fire. She then placed herself in front of Ferguson, shielding his body with her own, and fired shot after shot at the mountain men. At last a volley of shot crashed through her body and she fell against Major Ferguson, who roughly pushed her to the ground. Then mounting his horse he attempted to escape, but was instantly shot and killed. Nancy, hearing his death-cry, requested that his body be brought to her, and when her request was granted she died with her arms around her dead lover. Before she died, however, she begged that they be buried in the same grave, and the mountain men complied with his request; then, one by one, they marched by, each placing a single stone upon the mound, not as a mark of respect for the cowardly Major, but to the honor of the American girl. And as the years rolled on, every American who passed by this grave placed upon it a stone, until today the mound of stones is several feet high, a silent tribute to the loyalty and courage of an American woman, who loved, "not wisely, but too well."

All historians now agree that the unfaltering courage, the tact and skill, and the unerring marksmanship of the men of the mountains turned the tide in favor of the American cause, and rendered inevitable in less than a year, the surrender at Yorktown. (See

Draper's King's Mountain and Its Heroes; Griffin's History of Old Tryon and Rutherford Counties; and The Battle of King's Mountain and the Battle of Cowpens, "Historical Statements," printed and published by United States Government Printing Office, in 1928, by Authority of Congress.)

The fighting of the mountain men did not end with the victory at King's Mountain. In order to strike that decisive blow, they had been forced to leave their homes unprotected. On their return, flushed with victory, even before they crossed the mountains, they received news that the Cherokees were again on the war-path for the destruction of the upper settlements, and that their numerous small bands were killing, burning, and plundering in the customary Indian way. Without loss of time seven hundred mounted men were raised to march against the enemy. These were commanded by Arthur Campbell of Virginia, and Colonel John Sevier of North Carolina.

Not so far from the present Sevierville, Tennessee, a battle was fought with the result that thirteen Indians were killed and their plunder taken, while not one of the whites was killed or wounded. Chestness, and other towns on the lower Hiawassee were next destroyed. By New Year's day ten principal towns, including Echota, the Nation's capital, had been destroyed. Of all the towns west of the mountains, only Tallassee, and one or two near Chickamauga, escaped. In the meantime, at least fifty thousand bushels of corn and large stores of other provisions were destroyed.

Early in March, 1781, Sevier, with one hundred and fifty picked possemen, crossed the Smoky Mountains and destroyed the Tuckasegee town near Webster, in Jackson County, and two other principal towns and several smaller settlements were in like manner destroyed. In the summer Sevier with a hundred men attacked the Indian camp near the present Newport, Tennessee, killed a dozen warriors, and scattered the rest. The Indians were so worn by these successive blows that they were forced to sue for peace, and the treaty of 1781 was executed at the Long Island of the Holston.

The prowess of the Carolina Mountaineers did not cease, however, with the subduing of the Cherokee Indians.

Nine of them, on March 2, 1836, signed, with Sam Houston, the Texas Declaration of Independence, and a still greater number, forming part of Houston's less than eight hundred braves, and

spurred on by the battle cry, "Remember the Alamo," helped to win against Santa Anna and his sixteen hundred Mexican soldiers the victory of San Jacinto, which resulted in the establishment of the Republic of Texas.

Carolina mountaineers fought with Andrew Jackson at New Orleans, at Horse Shoe Bend, and in Florida. Under Scott and Taylor, with an army of nine thousand heroes, "canopied with smoke, torn with musket balls and shot and shell from hill and plain, from front and flank, deafened with the rattle of musketry, the clang of steel, and the thunders of artillery, hurled forty thousand Mexicans from their fields and fortresses, wrung from the conquerors of the Aztecs nearly one-half of their domain for our country," and helped to plant the Stars and Stripes in the Halls of the Montezumas.

They fought to the death in the War between the States, when brother was arrayed against brother; from every mountain county, volunteers flocked in steady stream to fight for Cuban liberty; and the historic "Old Hickory Division", composed of mountain men, broke the Hindenburg Line, and put the German Army to flight.

I must here tell of another war which occurred within my recollection, and almost before my very eyes.

The town of Highlands in the upper end of Macon County, was established in 1875, by S. H. Kelsey of Kansas, and the town was built and settled by Northern people, largely from Massachusetts. This was when I was only two years of age. My home was five miles to the east of Highlands, in Whiteside Cove, in Jackson County. These settlers of Highlands were a very temperate folk, and were uncompromisingly opposed to the use of intoxicating liquor. Moccasin Township, in Rabun County, Georgia, adjoined Highlands Township in Macon County, North Carolina. Now, in Moccasin Township, Georgia, there was considerable blockading carried on, and many of the blockaders would bring their "moonshine" liquor to Highlands and sell it to the young men of that town. The Georgia officers seemed to be unable to stop this traffic, and at the request of the people of Highlands the Government had sent Special Officers to investigate and prosecute the offenders. Many stills had been cut down, and many indictments had been sent, but the offenders had not been arrested, and were not arrested until some years later when John B. Dockens was elected Sheriff



of Rabun County, and he arrested all who failed to leave the country for good.

Finally, a man by the name of Henson was arrested in Moccasin, brought to Highlands, and confined in the Smith Hotel to await his trial. A friend came from Georgia to rescue him and succeeded in getting into the hotel, whereupon he, himself, was arrested and confined with Henson. Then Moccasin, Georgia, sent a written declaration of war against Highlands, North Carolina. I was only eight or ten years old at the time, but I remember the occurrence in all of its details, as if it had happened yesterday. On the day named, the Moccasin Army, eighteen strong, marched on Highlands. The town people barricaded themselves within and behind the Smith Hotel where the prisoners were confined, while the Georgia men bivouacked behind an old building directly across the street. For three days and nights these opposing forces engaged in snap-shooting, every head which appeared behind either building being instantly shot at by the opposing side. The men of Highlands did not yet dare to send a messenger into the surrounding country for reinforcements. Finally Tom Ford, a native North Carolina mountaineer, procured a ladder and climbed to the roof of the Smith Hotel, and with his rifle shot and killed a Georgia man by the name of Ramey. The Georgia men then ceased hostilities, and withdrew, returning to Rabun County to bury their dead. They left a letter, however, declaring that as soon as the rites had been performed for their fallen comrade, they would return with reinforcements to wage their war to the bitter end. Highlands sent out runners to alarm the country and ask for aid. My father, my four brothers, and all the neighbor men, and all the boys old enough to use a gun, from Whiteside Cove, Cashiers Valley and Hamburg, rushed to Highlands to defend the town against the second threatened attack.

They waited two or three days, every one being armed to the teeth; but Moccasin did not return to renew the assault. Instead, they sent a messenger with a letter, in which they stated, among other things, that they knew that Highlands had to transport their food and all the necessities of life from Walhalla, South Carolina; that the only road leading from Highlands to Walhalla passed through the center of Moccasin Township, and they had determined that instead of returning to Highlands to renew hostilities on

North Carolina soil, they would kill any and every man from Highlands who attempted to pass over the Georgia road.

Meanwhile, the larders of Highlands became empty. It was necessary that the teams should run uninterruptedly in order to keep the needs of the town supplied. At first no one would attempt so hazardous an undertaking as a trip to Walhalla. Finally, old man Joel Lovin, as brave a Confederate Veteran as ever lived, who had moved from Graham County to Highlands, and had made his living by running a team, said he was not afraid; so he hitched up his team and started. The four real leaders of the Georgia band had been the four Billingsly brothers, big-hearted, generous men, as fearless as lions, who really believed that they had a perfect right to make and sell liquor, law or no law. When Mr. Lovin reached the vicinity of the settlement where the Billingslys lived, right at the Chattooga River and at the forks of the road, he looked out and saw the four Billingsly brothers coming up the road in single file, each with a Winchester rifle in his hand. Mr. Lovin had read the threatening letter. He knew that those brothers had been the real leaders at Highlands, and he knew the estimate they placed on human life, whether it be their own or that of another man. He said that he had never had much faith in the efficacy of prayer, but he felt that on no previous occasion in his life had prayer been more in order than now. So in this manner he prayed: "Oh, Lord, if there is a Lord, save my soul, if I have a soul, from going to hell, if there is a hell!" This prayer seemed to be unavailing, for the Billingsly boys kept up their forward march. Mr. Lovin then said that the only words in the way of a prayer that he could think of were the words of his old father when he asked a blessing at meal time: "Oh, Lord, make us thankful for what we're about to receive!" And still the Billingslys came on. By now the old Rebel spirit was aroused in Uncle Joel. Holding his lines with one hand, and reaching for his rifle with the other, he said: "Oh, Lord, if you won't help me, don't help the Billingslys, and I'll shoot the d— Yankees like I used to do endurin' of the war!" The Billingsly boys passed by and Uncle Joel went on his way unharmed. This ended the trouble between Moccasin and Highlands. But Uncle Joel Lovin never did find out whether his prayers or his threat saved him from the Billingsly brothers.

So it will appear to all lovers of truth that the Carolina Mountaineers have courage in plenty, when occasion calls for courage.

How could it be otherwise? The Carolina Mountaineers have flowing in their veins the best blood of England—England, the mightiest force among the nations of the earth. The sun of heaven never sets upon her imperial possessions. From Gibraltar's impregnable Rock her guns frown upon all Europe; her magnificent fleets and squadrons are sweeping every sea; her air-fleet patrols the sky; and the thunder of her guns at the gates of Germany are echoing around the world. She has given to the world a Shakespeare, a Bacon and a Gladstone; an Alfred the Great, a Nelson, and a Wellington; and the nations of the earth have felt the shock of her all-conquering arms.

The Carolina Mountaineers have flowing in their veins the best blood of Ireland. Wherever a blow for freedom has been struck, the Emerald Isle has been there, eager for the battle and ready for the charge. There was a time when her troops formed nearly half of the military forces of the British Empire. And wherever the flag of peace has waved over English-speaking nations, Erin's sons have been there helping to shape the destinies of empires and republics. Of her warriors it has been said: "There was not one of them who did not cherish in his heart the hope that some day his right arm might wield the sword for Irish Independence."

The Carolina Mountaineers have flowing in their veins the best blood of Scotland—Scotland, the land that produced a William Wallace and a Robert Bruce. Under the intrepid leadership of Wallace, his little band of Scottish patriots, outnumbered five to one, at Sterling Bridge, on September 11, 1297, put to flight 50,000 seasoned English soldiers and drove them back to England's soil. The name and heroic deeds of William Wallace will live in history, and song, and story as long as courage, loyalty, and love of country shall challenge the admiration of the children of men.

Robert Bruce, the Liberator of Scotland, and one time its King, at the memorable battle of Bannockburn, June 24, 1314, with an army of 30,000, stood before an English Army of 100,000 men under Edward II. As the invading hosts advanced, the Scots knelt down and invoked the aid of God. Then rising from their knees, the Scots attacked their foes, not as they are now fighting in Europe, from a distance, with artillery from the land, and bombs from the sky, and submarines from the depths of the sea, but hand-to-hand with sword and battle axe, until the English were completely vanquished and fled in wild disorder from the field. And



today, and forever-more, Scotchmen will lead their children to these landmarks of their country's history, and under the same sky that Robert Bruce beheld, and in the shadow of the Wallace monument, repeat to them those deeds which are their country's proudest heritage.

The Carolina Mountaineers have the best blood of Holland flowing in their veins—Holland, which for thirty years maintained a defensive war against the whole power of Spain when Phillip II controlled the councils and commanded the wealth of the world. But Holland fought with the inspiration of freedom, and until in recent times, the only guns of a foreign foe whose hostile roar was ever heard in the Tower of London, were the guns of the free states of Holland. And her victories of peace are no less renowned than her victories of war.

With such an ancestry, of course the Carolina Mountaineers will fight, not on the slightest pretext, but when they are clothed in the armour of a righteous cause.

And every Carolina Mountaineer is proud of his ancestry, for he knows that no nobler or more loyal or more patriotic people ever lived than those who settled our mountain land. They were the "monarchs of all they surveyed"; they were proud of their independence, and proud in the consciousness of their ability to defend it; and in their hearts they felt, as they had the right to feel, that each of them was the equal of any other living man. Their morals were of the highest order; their hospitality was unbounded, and their knowledge was far superior to that obtained from books, for they knew Nature, and they knew Nature's God. Their patriotism constitutes a proud chapter in the history of our country, and the names of their descendants have glorified the scroll of honor in every department of life in almost all of the States of the Union. Their lives were filled with the dangers, the hardships, and the hazards that are a part of the pioneer's experience everywhere. Never was there a country settled by civilized people under more difficult and perilous circumstances. They took for granted that they might at any moment be challenging a storm of arrow-winged death. They took for granted storm and tempest, flood and blizzard, pestilence and disease. They had only themselves to depend upon if they were to survive. They had no telegraphs over which to send signals of distress, and no radios with which to broadcast appeals. They had no airplanes to drop food to them when they were

marooned by floods and snow-storms. There were no Governors to issue emergency proclamations, and no Presidents to rush aid to them through legally constituted relief agencies.

The total effect of all this was not merely to develop men and women of a different type from the common run—men and women whose quality of courage and self-reliance has never before nor since been surpassed. It developed men and women who took peril, hazard, privation, and suffering for granted, and whose heroism was an essential part of their natures. Their heroic deeds were not something to be talked of as exceptional or infrequent, for they were the common every day doings of ordinary men and women of that period. Only now, judged by the sheltered standards of our present civilization, can we adequately appreciate the scope and magnitude of their courage, fortitude, and patriotism. And so, today, we salute those noble men and women whose adverse odds and continual peril evoked the finest qualities of humankind.

We are told that the jeweler tests his gold by rubbing it on the touchstone. If he is not then satisfied as to its purity, he places it in the crucible and melts it, and then hammers it, so that the dross, if any, is removed. Our pioneer ancestors passed through a similar test. They, too, went through the fire; but it is my belief that as they passed through the furnace, with its sevenfold heat, they were accompanied by another Form of Celestial aspect, walking with them in the midst of the flames and comforting them in their fiery afflictions; for when they had passed through the ordeal, like the Hebrew Children of olden times, they stepped forth unharmed, with their homely garments unscorched, and without even the smell of fire.

Today, as I write these words, the far-reaching domain of our mountain section is rich, and will forever remain rich, with the memory of those unforgettable pioneers and fighting men, who blazed its trails and illumined its history with deeds of unparalleled courage and valor. Tree-clad hills and flowery glens, rushing rivers and rolling valleys, silvery rivulets and foaming cascades, brilliantly painted gorges and towering mountains, still remind us, and will forever remind us, of those glamorous days of pioneer adventure.

Our pioneers were a fighting breed of men and women who were "long" on courage and friendship, and "short" only on their tempers in dealing with those who lawlessly flaunted their code. In these untamed, savage mountains, by work and courage, by

blood and sacrifice, by suffering and heart-break, they laid deep and strong the foundations for a vast empire which they envisioned for their children. I repeat, that proudly we salute those brave, courageous, self-sacrificing men and women and their epic heroism, who, in their day, in the best way they knew, and with all the means they had, built for the world of tomorrow.

And so, in the savage wilderness, on the outer fringe of civilization, in every age and in every clime—in science, in law, in government, in medicine, in education, and in religion, in every department of human life, and in every field of human endeavor, there is now, and there will always be, a frontier to conquer; and wherever the frontier is, there will be found the pioneer, dreaming, planning, striving, struggling, fighting, sacrificing, and building for the world of tomorrow, for the consummation of "that far-off divine event toward which the whole creation moves."



## CHAPTER XVII.

### THE ORIGINAL CAROLINA MOUNTAINEERS.

*There was a time when our forefathers owned this great Island (America). Their seats extended from the rising sun to the setting sun. The Great Spirit had made it for the use of Indians. He had created the buffalo, the deer, and other animals for food. He had made the bear and the beaver. Their skins served us for clothing. He had scattered them over the country and taught us how to take them. He had caused the earth to produce corn for bread. All this He had done for his red children, because He loved them. . . . But an evil day came upon us. Your forefathers crossed the great water, and landed on this Island . . . Tidings were carried back, and more came amongst us . . . At length their numbers had greatly increased. They wanted more land; they wanted our country. Our eyes were opened, and our minds became uneasy. War took place. Indians were hired to fight Indians, and many of our people were destroyed . . . We do not understand these things.*

From the speech of Sagoyewatha, or Red Jacket, a Seneca Indian Chief, to the Representatives of a Missionary Society. Red Jacket is reputed to have been the most eloquent among the Indian orators of North America.

The Cherokee Indians were our first mountaineers. They at one time occupied not only the territory now embraced in what we call the Carolina Mountains, but the present State of Tennessee as far west as Muscle Shoals, the highlands of Virginia, South Carolina, Georgia, and Alabama. The territory claimed by them comprises 40,000 square miles.

Their most important towns were situated on the headwaters of the Savannah, in Georgia, the Keowee, the Seneca, and the Oconee, in South Carolina, the Tuckasegee and Hiawassee in North Caro-

lina, and the Little Tennessee, from where it rises in Towns County, Georgia, all the way through Rabun County, Georgia, and Macon and Swain Counties, North Carolina, to its junction with the main Tennessee River in the present State of that name.

Bancroft tells us in his *History of the United States*, Volume II, at pages 95 and 96, that the Cherokee Nation had nearly fifty towns or villages, scattered along the bends in the mountain streams, which offered at once a defense and a strip of fertile soil for cultivation.

Echota on the south bank of the Little Tennessee, a few miles above the mouth of Tellico River, in the present State of Tennessee, was the capital of the Nation.

There were no definitely ascertained or fixed boundaries of the vast domain claimed by the Cherokees, and on every side bitter contests were waged by rival claimants.

On the Virginia side they were held in check by the powerful forces of Powhatan; on the east and southeast they were in constant trouble with the Tuscorora and Catawba tribes, and the Sara and Cheraw Indians were their bitter enemies.

On the south they were engaged in almost incessant struggles with the Creeks; in the west the Chickasaws and Shawano Nations fought them back from the rich central valleys of Tennessee; and the Iroquois of the far north were perhaps their most dreaded foes.

Historians have been unable to agree as to any definite time when the Cherokees first occupied their territory in the Alleghany Mountains. They do agree, however, that it was after the conquest of Mexico by the Spaniards under Cortez in the year 1521. They also agree that the Cherokee Indians came to our mountains from Mexico. There is abundant proof that not only the Cherokees, but the Choctaws, Chickasaws and Creeks, were living in Mexico when Cortez overthrew the Aztec government.

The ancient traditions of the Cherokees, the Creeks and the Natchez also indicate Mexico as the country from which, many centuries ago, they moved to their possessions east of the Mississippi River. (See Cushman's *History of the Choctaws, Chickasaws, Cherokees, and Natchez Indians*, pages 66 and 67.)

The Cherokees have a tradition that they came from Asia to North America, and from Mexico to their homes in the Alleghanies.

Oconastata, or Big Warrior, as he was sometimes called, and one-time Chief of the Ancient Cherokees, claimed that the ancestors of his people came from Asia, landing in the northwestern part of North America, and going from there to Mexico; and that later his people, the Cherokees, came from Mexico to the Alleghany Mountains. (See Milfort, page 269.)

Milfort tells us on the page just referred to that "Big Warrior, Chief of the Cherokees as late as 1822, not only confirms this tradition that Mexico was their native country, but goes back to a more remote period for their origin, and claims that his ancestors came from Asia, crossing Behring Strait in their canoes, thence down the Pacific coast to Mexico, thence to the country east of the Mississippi (the Alleghanies), where they were first known to the Europeans." (See, also, Cushman, pages 17, 19, and 66.)

The above-mentioned tradition is verified by authentic history. It was in 1539-40 that Hernando DeSoto, with his six hundred armed men and two hundred and thirteen horses, explored the mountains of Western North Carolina, and opened mines in several of the present Counties in this section. All historians agree that the men comprising this party of Spaniards were the first Europeans to become acquainted with the Cherokee Indians.

From the foregoing traditions and facts of history, it is a permissible, if not a compelling inference that the Cherokee Indians are direct descendants of the Aztecs of Mexico, and that the blood of the mighty Montezumas flows in their veins today.

The origin of the Indian Races of the Americas has never been clearly established. The great weight of authority tends strongly to prove that they originated in Asia, and that they descended from the Chinese race. It has been clearly demonstrated that at one time in the history of the world there were either direct land connections or a series of Islands between the Western and Eastern Hemispheres. No one now questions the truth of the saying that in the course of the years "the ocean's bed becomes the mountain's brow." But even if this were not so, it would not be a very difficult task to cross the Behring Strait in canoes from the mainland of Asia to the Northwestern mainland of North America. There are striking resemblances between the Chinese and the Indian Races. They are both exclusive with respect to their relations with other races. The facial resemblances are remarkable. I have seen many Cherokee Indians and many Chinamen, who, if they were dressed



alike and stood side by side, would resemble so closely that it would be impossible to distinguish which was Chinese and which Indians. While hundreds of dialects were spoken by the Indians, in some of the western languages, there are many words identical with Chinese words in form, sound, and meaning.

Ridpath, in his admirable and comprehensive history, "With the World's People", which is universally considered to be one of the highest authorities on the origin of the great races of mankind, in Volume XII, at page 525, has this to say with respect to the origin of the American Indians: "Ethnographically, we here (in Mexico) find the mixing of two tides. It would appear that the Asiatic Mongoloid division of mankind—spreading southward through western North America—descends into Mexico, Central America, through the Isthmus, and as far south as the Andean Nations. And it also appears that another division, namely, the Polynesian Mongoloids, coming possibly by way of Hawaii, has reached the region of Lower California and Mexico, there blending its result with the races from the North."

There was a tradition among the Aztecs that their ancestors came from Asia, and that they once lived in what is now California.

A Hyatt Verrill, in his learned and comprehensive history of the "Old Civilizations of the New World", tells us at pages 157 and 158: "We know very little about the Aztecs . . . prior to their arrival in the Valley of Mexico. That they came from some distant locality in the North is clearly proved by their codices or written records, but unfortunately many of these are missing, having been destroyed by the fanatical Spanish priests. The name Aztec means "Crane People", and traditions and codices agree that their original home was a spot called Aztlan, which some authorities have identified with California." This tradition and history agree with the Cherokee tradition mentioned above.

There were also traditions among the Aztecs, which, to some extent, were born out by the codices, and some of which still persist, to the effect that the race remained for long periods at various localities prior to their arrival in the Valley of Mexico, and that colonies were established in these places with vast stores of treasure, supplies, and arms, to be used in case of emergency. According to these traditions these colonies or outposts were reserve bases for forming an almost complete line of retreat, and were strongly fortified and hidden in secret fastnesses of the mountains. But as

centuries passed and no need of calling upon these reserves arose, they were forgotten and the secrets of their locations lost, so that when at last the empire was attacked by the Spaniards the reserve forces and treasures were unavailable. (See *Old Civilizations of America*, page 188.) Of course, all of the Indians in Mexico were not Aztecs. There were many and distinct groups under the rule of the Montezumas, some of whom were savage, others cultured, and still others with civilizations of their own. But the very fact that the Cherkoees were far more civilized than most of the other North American Indians constitutes some proof that they descended from a civilized race. Most of the North American Indians lived in wigwams and temporary camps, and depended largely on the chase for a livelihood. Most of them lived by the Code that "sufficient unto the day is the evil thereof", and if they had meat for today, tomorrow could take care of itself. But not so with the Cherokee Indians. They built and resided in permanent towns. They lived in log houses, and the head of each family owned his own house. Every town had its "Town House", which was used for councils and the transaction of governmental affairs; but part of it was used for storing corn, pumpkins, beans, and dried meat, for the inhabitants of every town were careful to see that provision was made for the "rainy day". They promulgated and enforced laws for the government of the tribe, and similar to the Aztec system, when not at war with some of the tribes hereinabove mentioned, they lived a happy, prosperous, and contented life. The countenances of many Cherokees bear a remarkable resemblance to the sculptured faces of the Aztecs which are constantly being found in Mexico. The Cherokees had a mythology as beautiful and comprehensive as the mythologies of Greece and Rome, and in many respects it is strikingly like the mythology of the Aztecs; and in every "Town House" the sacred fire was kept constantly burning; and they believed that if the Town House was destroyed by an enemy, the fire, instead of going out would sink into the ground, and there burn perpetually, though invisible to the eyes of man.

If, indeed, the Cherokees are descendants of the Aztecs, it is a fact of which they may well be proud.

The American Indians have evolved three wonderful civilizations—the Peruvian, in South America, the Mayan, in Central America, and the Aztec, in Mexico. In the "Old Civilizations of the New World", Mr. Verrill has this to say of them at page 22; "Leaving

all questions of relationships with other races aside, there is no doubt that these prehistoric American races far excelled every other race of their times in many ways. No such accurate calendar as that of the Mayas was ever devised until the revised Gregorian calendar was adopted. No such astronomical calculations were made by any other people of their times as by the Aztecs and Mayas. No other people invented such a remarkable form of writing as the Mayas. No other race, not even people of the present day, ever erected such walls and buildings as those of the pre-Incan (Peruvian) races. No other race ever carried out such Cyclopean works or such stupendous feats of stone-cutting. No other race ever yet has woven by hand or machine—textiles to equal those produced by the ancient Peruvians. And the famed Roman roads and aqueducts seem scarcely more than child's play beside the marvelous highways and other engineering wonders of the Incans" (in Peru). With respect to the civilization of the Aztecs, I quote the following from pages 160 and 161 of "Old Civilizations of the New World": "In their civilization the Aztecs were inferior in some respects to the Mayas, the Incas and other American races. In their engineering feats they did not approach the Peruvian races, nor had they perfected textiles, ceramics, and some other arts to equal those of the South American cultures. On the other hand, they had reached greater heights in many arts and attainments. Their featherwork was magnificent, and to supply the feathers necessary for ornaments and garments they maintained immense aviaries of bright-plumaged birds whose feathers were plucked at regular intervals. The rulers, priests, and officials wore clothing which aroused the wonder and admiration of the Spaniards, and their feather mosaics on shields and other objects of hide, wood, etc., are among the most remarkable known examples of American art. In mosaic especially, the Aztecs surpassed all races of the New World, and in some ways of the entire world . . . . In their carving on shells, bones, wood, and stone, the Aztecs exhibited a skill and refinement that has never been excelled, and no material was too refractory for the Aztec artisans to carve and engrave."

The capital of the Aztec empire occupied the site of the present City of Mexico, and was a most imposing City at the time of the invasion of Cortez and his army. The City contained at that time more than sixty thousand inhabitants, and the City itself was more than twelve miles in circumference. The Aztecs called their



capital city Tenochtitlan. There were several other towns on the near-by Islands and shores that were almost as large as the capital city. The surrounding country had a population totaling several millions. The capital city was intersected by four broad avenues at right angles, running north, east, south and west. The city stood on an Island in the great salt Lake of Tezcuco, and Lake Chalco. The lake was salt, and so the city needed a constant supply of suitable water for domestic use, and to meet this need an aqueduct of solid stonework and cement led to it across the strait, bringing the mountain springs of Chapultepec right into the heart of the city. There was a large number of canals which served as smaller thoroughfares, and the four main roads, or dikes, extended across the lake which completely surrounded the city.

The houses of the lower classes were built of adobe, while those of the well-to-do were constructed of stone. The houses were usually built one story high with flat roofs covered with brightly blooming flowers. The houses were plastered with white stucco or cement, and they had temples everywhere.

The largest of the temples was the one dedicated to the God of War, whose enclosing walls measured about five thousand feet around, with a stairway of three hundred and forty steps which led to the summit. Here the sacred fires were kept burning always, attended by holy virgins. The Aztecs believed that if the sacred fires were permitted to go out their power would end, and so more than six hundred of these fires were kept continually burning in Tenochtitlan (Mexico City) alone.

This custom of the Aztecs with respect to the sacred fire calls to mind the Temple of Vesta in ancient Rome. Vesta was the Goddess of the home and the fireside, and in her temple the sacred fire was attended and kept perpetually burning by the purest young women in Rome. They called them the Vestal Virgins, and if they neglected the fire and allowed the light in the temple to go out, the law of Rome imposed upon them the awful penalty of death.

Of course, the finest house among the Aztecs in their Capital City was the house of Montezuma, the King. Mr. Verrill thus describes the palace and the King: "The palace of the Montezuma, as the Aztec emperor was called, literally outshone that of Solomon, and the famous King of Israel in all his glory would have paled in comparison with the Aztec's ruler. His garments were of the

finest cotton most beautifully woven in intricate symbolic designs of many colors. His mantles were marvelous affairs formed of hundreds of thousands of tiny, iridescent feathers from humming birds and trogons, and scintillated with all the prismatic brilliancy of the rainbow." It is said that his palace was so large that it housed not only himself and his own family, but the families of most of his immediate relatives, and one hundred personal servants who constantly attended him.

The Aztecs, as well as the Mayas and the Peruvians, produced all the known varieties of corn, the yam, or sweet potato, and the potato which is now universally known as the Irish potato, but which they called "spuds". They produced almost every kind of bean, pumpkins, squashes, and melons; and they also cultivated peanuts, pineapples, bananas, and many other fruits. They had tame turkeys, pheasants, geese, and ducks, and one of their favorite meats was the meat of the peccary, a species of wild hog, which roamed the territory in droves of hundreds and thousands all the way from Texas to the lower sections of South America.

From the standpoint of cruelty and treachery, the destruction of the Aztec civilization by the Spaniards under Cortez, and the destruction of the Incan civilization in Peru under Pizarro, have but three parallels in history—the conquering of Ethiopia by Italy, the rape of Poland by Germany, and the present barbaric attempt of Russia to overpower and destroy by overwhelming numbers, the brave and courageous Finnish people.

As to just what the Cherokee population was when the white people were beginning to invade the mountains, authorities differ. In 1715 a trade census was prepared by the Governor of the South Carolina Colony, and he estimated the total population to be 11,210, including 4,000 warriors, and thirty towns. A census was taken in 1721, which gives them fifty-three towns, with 3,500 warriors; and the report of the Board of Trade for that year gives them 3,800 warriors, and a total population 12,000. To this estimate Bancroft agrees. But Adair estimates that in 1735 they had a population of 16,000 to 17,000, including 6,000 warriors, and sixty-four towns and villages. (See Mooney's *Myths of the Cherokees*, page 34, and Bancroft's *History of the United States*, Volume II, page 100.)

The Indians living in South Carolina and Georgia were known as the Lower Cherokees, and their towns were known as the Lower

Towns. Those living in what is now Tennessee were called the Upper Cherokees, or Overhill Indians, and their towns were called the Upper Towns. The Indians living in the territory now designated as "The Carolina Mountains", West of the Blue Ridge, were known generally as the Middle or Valley Cherokees, and their towns were known as the Middle or Valley Towns; but strictly speaking, the Valley Towns and Indians were confined to the Hiawassee and Valley River Valleys, and those to the eastward were the Middle Cherokees and Middle Towns. (See Mooney's *Myths of the Cherokees*, pages 50, 53 and 58.)

It is said that these Indians never had a town east of the Pigeon River in Haywood County, except the small town of Conestee on the waters of the upper French Broad, near Brevard, in the present County of Transylvania. Their towns and villages, in the main, were in upper South Carolina, Northern Georgia, Northern Alabama, in what is now East Tennessee, and on the Pigeon, the Tuckasegee, the Little Tennessee, the Valley and the Hiawassee Rivers, in Western North Carolina. (Sondley's *History of Buncombe County*, Volume I, page 28.)

Clarence Griffin in his very fine and instructive *History of Old Tryon and Rutherford Counties*, at pages 1 and 2, says that the territory embraced within the present County of Rutherford was never inhabited by the Indians as a permanent abiding place, but was used in common by the Cherokees and the Catawbas as a hunting ground. He also tells us that four great Indian trails at that time traversed North Carolina, one of which started near Pickens in South Carolina, and ran through Polk, Rutherford, Burke, and other Counties on the eastern side of the Blue Ridge, and passing near Boone, crossed the Iron Mountains into the present State of Tennessee.

The Keowee Trail started at Charleston, and, leading through Dorchester, Orangeburg, Ninety-Six, and other South Carolina towns of the present day, and passing Keowee Town, constituted the direct route from Charleston to the Upper Towns in Tennessee. This trail forked near Keowee Town, one fork going through Rabun County, Georgia, and then down the Little Tennessee, and the other up the "Stump House Mountain" in South Carolina, crossing Chattoga River, and, after reaching North Carolina, forking again, one fork going through Cashiers Valley to the Toxaway country, and the other, passing through or near the present town



of Highlands, down the Tesuntee and on to Franklin. Of course, there were other trails connecting all the Indian towns.

All historians who have informed themselves, as they should do before writing, agree that the Cherokees were much more intelligent and civilized than any other of the North American Indians, and these writers likewise agree that the Cherokees were the most war-like, until finally subdued by the whites.

I shall not here undertake to give any detailed account of the wars raged by the Cherokees against other Indian tribes. All through the eighteenth century they were engaged in constant warfare with their Indian neighbors. The war with the Tuscaroras lasted until the outbreak of the last named tribe against the Carolina Colony in 1711, and gave the Cherokees the opportunity to cooperate in the movement which forever drove the Tuscaroras from Carolina to seek homes in the North.

The Cherokees next turned on the Shawnees on the Cumberland, and with the assistance of the Chickasaws drove them from that country in 1715.

They continued to wage war against the Catawbias until the latter had become so weakened by war and disease that they became utterly dependent upon the white people for the means of living.

At last the ties of friendship that once existed between the Cherokees and Chickasaws were broken, and a war started between them in 1757 which resulted in overwhelming victory for the Chickasaws in 1768.

The war between the Cherokees and their bitter enemy, the Iroquois, continued, in spite of the endeavors of the colonial governments to stop it, until a peace treaty was finally executed, as the result of the efforts of Sir William Johnson, of Virginia.

The war with the Creeks for the possession of the Northern part of Georgia continued until finally, the United States as mediator, settled the differences between the two nations. By now the weaker tribes farther to the east had become virtually extinct. In 1815 it was estimated that the Cherokees did not have more than 2,590 warriors, at least that many more having died during the smallpox epidemic which raged among the Cherokees in 1738-39, the estimate being that half of the entire population of the Cherokee Nation died of this disease in a single year.

In 1756 an attack was made by the Cherokees on the back settlements of the whites in Carolina, while beyond the mountains two soldiers were killed at Fort Loudon.

In 1758, a party of chiefs of great influence, after ordering back a party of warriors who were on their way from the western towns to attack the Carolina settlements, went to Charleston to try to settle the disputes on a friendly basis. By resolution of the assembly, peace had been declared with the Cherokees; but Governor Littleton, in May, 1759, demanded the surrender, for execution, of every Indian who had killed a white man in the recent trouble. This demand, of course, aroused the entire nation. Two large delegations, representing all the Indian towns went to Charleston to beg for peace. The second of these delegations was led by the young war chief Oconostota, but instead of listening to them the Governor had the entire party seized and imprisoned in Fort Prince George which was situated near the town of Keowee; but in response to the appeal of A-ta-kul-la-kulla, the civil chief of the Nation and friend of the English, Governor Littleton released the prisoners on their promise to kill or seize any Frenchman who attempted to enter their country.

And now war commenced in earnest. With Oconostota as their leader the Cherokees attacked the frontier settlements of South Carolina, while other warriors attacked Fort Loudon on the Tennessee side. In June, 1760, Colonel Montgomery, leading 1,600 men, drove the Indians from the vicinity of Fort Prince George, and then attacked the town of Keowee, killed all the defenders, and destroyed one after another all the Lower Cherokee towns, burning all the houses, cutting down the cornfields and orchards, taking more than a hundred prisoners, and driving the entire population into the fastnesses of the Blue Ridge.

He then sent messengers to the Middle and Upper Towns, threatening that, unless they at once surrendered, he would visit upon them a similar fate. The Indians ignored the threat; so Montgomery then led his men across the mountains and down the waters of the Little Tennessee to the small town of Echocoe, just above the sacred town of Nikwassi, on whose site the present town of Franklin stands. Here the Cherokees, with a large force, met him in a desperate battle, with the result that the Montgomery forces were defeated with the loss of nearly a hundred men in killed and wounded. Montgomery was forced to retreat into

South Carolina to Fort Prince George. This victory of the Cherokees was fatal to Fort Loudon in Tennessee. That garrison had already reached the point where the soldiers were living on horse and dog meat. On August 8, 1760, the garrison, consisting of about two hundred men, surrendered to Oconostota, on his promise that they would be permitted to leave that section unmolested, with sufficient arms and ammunition for the march, with the further understanding that the Indians might retain all remaining war equipment and stores. The Indians, however, soon discovered that ten bags of powder and a large amount of ball had been buried in the fort, and that cannon, small arms, and ammunition had been thrown into the river. The Indians were enraged at this breach of faith, and the next morning at daylight attacked the whites, killing thirty of them and taking and holding the others as prisoners until ransomed some time later.

The next June, in 1761, Colonel Grant with an army of 2,600 men, including a large number of Catawba and Chickasaw Indians, marched from Fort Prince George in South Carolina, through Rabun Gap in Georgia, and down the Little Tennessee to a point within two miles of Montgomery's battlefield, where on June 10 he defeated the Cherokees with considerable loss to his own forces, in a hard-fought battle lasting for several hours.

Following this battle he continued his march until within a month he destroyed all of the Middle towns, fifteen all told, with their grain and cornfields, and drove the Indians into the mountains. Now the Cherokees were in a desperate condition. Many of their best towns had been destroyed, their crops and orchards had been cut down and wasted, their ammunition was gone, many of their bravest warriors had been killed, and their people were compelled to hide in the mountains. In September of that year the great Chief A-ta-kul-la-kulla went to Charleston and succeeded in obtaining a treaty of peace. Following this, in November, another treaty was entered into by Colonel Stephen of Virginia and the Indians, the treaty being concluded at the Great Island on the Holston, at the present town of Kingsport, Tennessee.

In 1768 the Indians appealed to Captain John Stuart, a British Superintendent, and a treaty was entered into in an attempt to fix the Indian boundary on the north, by which the Indians lost all their territory in the States of Virginia and West Virginia. Two years later, in 1772, the Virginians demanded another cession, as



the result of which everything east of the Kentucky River was given up by the Indians, and on March 17, 1775, what was known as the Henderson purchase was concluded, including the entire tract between the Kentucky and Cumberland Rivers.

These transactions were not really treaties, but were forced upon the Indians and signed by them under protest. Before these so-called treaties were entered into many whites had settled upon the tracts in question and refused to remove. This was particularly so on the Watauga and Holston in East Tennessee, where the whites entered into a temporary lease with the Indians, which, of course, became a permanent occupancy in view of the events that followed.

At the commencement of the Revolutionary War in 1776, the Indian tribes were all arrayed on the British side against the Americans, and for this reason the British supplied the Indians with hatchets, guns, and ammunition, all the way from the Great Lakes to the Gulf of Mexico, and offered to pay them bounties for all the American scalps they would bring to the commanding officers at Detroit and Oswego.

In June, 1776, an English fleet with a large naval and military force attacked Charleston, South Carolina, and at the same time a large force of Cherokees, who were led by Tories disguised as Indians, went down from the mountains and attacked the upper frontiers of South Carolina, killing and burning promiscuously; but when the garrison at Charleston defeated the British the Indians and Tories returned to the mountains.

It was at about this time that a noted Indian woman, known as the "war woman", who had great influence and authority among the Cherokees, sent warning that seven hundred warriors were advancing in two divisions to attack the Watauga and Holston settlements, with the purpose of destroying everything clear to the New River. The Holston men met them in August and defeated them after inflicting heavy loss.

At this same time other Indian forces were attacking the frontiers of Carolina and Georgia, killing many people on the upper Catawba River.

The Cherokees of the Upper and Middle Towns, aided by Tories and some Creek Indians, commenced invading upper South Carolina, burning homes, driving off cattle, and killing men, women, and children as they came to them, until the entire country

was seriously alarmed, and the border States realized that the Indians must be subdued while the struggle with England continued. At once frontier forces were organized, and in the summer of 1776, four armies were equipped from Virginia, North Carolina, South Carolina, and Georgia, to attack the Cherokees at the same time from four different directions.

In August, 1776, the North Carolina army, consisting of 2,400 men, and led by General Griffith Rutherford, crossed the Blue Ridge at Swannanoa Gap, marched west to Stecoee on the Tuckasegee River near the present town of Whittier in Swain County. The Indians hearing of the approach of the white army, had fled, but Rutherford destroyed the entire town, including the unfinished Town House, and cut down all of the standing corn. Every town on Oconaluftee, the Tuckasegee, the upper part of the Little Tennessee, and on the Hiawassee River to a point below its junction with Valley River. Thirty-six towns, all told, were destroyed one after the other, and the corn was all destroyed and the stock killed or driven off.

At Sugartown just to the east of Franklin, a detachment from Rutherford's army was surprised and would probably have been destroyed but for the timely arrival of another force sent to their assistance.

Upon reaching Wayah Bald Gap in the Nantahala Mountains, Rutherford fought one of the bitterest fights of the entire campaign, where he lost over forty men in killed and wounded, but the Indians finally gave it up and retreated farther back into the mountains.

On September 26 Colonel Andrew Williamson, with 1,860 men, joined Rutherford's army on the Hiawassee, but the work of destruction was already accomplished, and the soldiers returned to their homes on the routes over which they had come.

The South Carolina army had centered with different divisions in the Lower Cherokee towns on the head of the Savannah, burning the towns and cutting down the peach trees and ripened corn.

At the town of Seneca, in the present County of Oconee, in South Carolina, the Carolinians encountered Cameron, the British Indian agent, with his Indians and Tories, and here they destroyed six hundred bushels of corn, besides other valuable food stores and then burned all the houses.

The most bitter battle, however, was fought at Tomassee, where several whites and Indians were killed, the Indians all being scalped.

After completing the ruin of the Lower Towns, Williamson crossed Rabun Gap into the Valley of the Little Tennessee to aid Rutherford in the destruction of the Middle and Valley towns.

Every house in every settlement was burned—ninety in one settlement alone—and the corn, potatoes, and other food stores destroyed, and the stores of deer skins were carried away. The Indians who were not killed were driven into the Nantahalas and Smokies.

In the meantime, Colonel Samuel Jack led a force of two hundred Georgians, who burned two towns on the head of the Chatahoochee and the Tugaloo Rivers, and drove off the cattle and destroyed all the corn the towns contained.

Two thousand Virginians under Colonel William Christian met several hundred men from North Carolina, at Long Island in the Holston, and in August they came upon a large force of Indians where the great Indian war path crosses the French Broad, but the Indians fled without offering resistance. In November Christian reached and destroyed the towns on the Little Tennessee, except the Sacred "Peace Town" of Echota, which was spared. There were many other similar smaller engagements which need not be mentioned here.

The effects of this war that had been waged by more than six thousand white men had a most paralyzing effect upon the Indians. More than fifty of their towns had been burned, their orchards and crops had been destroyed, their cattle and horses had been killed, their large stores of deer skins had been plundered, hundreds of their people had been killed or had died of starvation and exposure, and those left alive had become fugitives in the mountains, and through the winter that followed were compelled to live on chestnuts, herbs, and such game as they were able to take.

By a treaty executed at DeWitt's Corners in South Carolina, the Lower Cherokees surrendered all their remaining territory in South Carolina except a small strip on the western border; the Middle and Upper Cherokees gave all the land they claimed east



of the Blue Ridge, and also all the disputed territory on the Watauga, the Nolichucky, the Upper Holston, and the New Rivers. (See Mooney's *Myths of the Cherokees* for a more detailed recital of the Cherokee Wars. See also Griffin's *History of Old Tryon and Rutherford Counties*.)

## CHAPTER XVIII.

### THE ORIGINAL CAROLINA MOUNTAINEERS CONTINUED.

*Brother, I am now going to speak to you . . . .  
We are a poor, distressed people that is in great  
trouble, and we hope our elder brother will take  
pity on us and do us justice.*

*Your people from Nolichucky are daily pushing us  
out of our lands. We have no place to hunt on.  
Your people have built houses within one day's  
journey of our town. We do not want to quarrel  
with our elder Brother; we therefore hope our  
elder Brother will not take our lands from us that  
the Great Man above gave us. He made you and  
He made us; we are all His children, and we hope  
our elder Brother will take pity on us, and not  
take our lands that our Father gave us, because  
he is stronger than we are. We are the first people  
that ever lived on this land; it is ours, and why  
will our elder Brother take it from us! We hope  
that you will take pity on your younger Brother,  
and send Colonel Sevier, who is a good man, to  
have all your people moved off our lands.*

From the plea of Old Tassel, of Echota, to the  
Governor of North Carolina and Virginia, delivered  
September 25, 1782, at a conference with  
Colonel Joseph Martin.

WORLD'S BEST ORATIONS, Volume 7, page 2569.

It may be stated here that the foregoing eloquent plea of Old Tassel went unheeded, and those who had encroached upon the Indian land, in violation of the treaty concluded at Long Island, were not required to move. The time came, too, when Old Tassel had ample reason to believe that he was mistaken in his opinion that John Sevier was a good man. After the little war between John Sevier and John Tipton had ended in the later's favor, and

the State of Franklin, of which Sevier was Governor, had come to an end, Sevier led a band of about forty men against the Indian town of Chilhowa. The Indians put out a white flag; and the whites also raised one. One of the Indians, who had crossed the river in a boat, was induced to row Sevier and his men to the other side. Old Tassel was there, and it was well known that the Indians of this town were friendly to the whites. Old Tassel himself had for years been foremost in the endeavor to prevent Indian raids on the white settlers. However, after disarming the Indians, Sevier put them in a hut, and John Kirk, one of Sevier's troops, whose mother, sisters, and brothers, had been killed by other Indians who had no connection with the Indians in question, went into the hut with his tomahawk, brained, killed, and scalped every one of these chiefs, while his comrades looked on and made no effort to prevent this horrible butchery of innocent and defenseless men.

The frontiersmen everywhere were outraged by this atrocity, and public sentiment became so aroused that Sevier's followers scattered. The Continental Congress passed a resolution condemning the outrage, and the justices of the Court at Abbeville, South Carolina, led by Andrew Pickens, wrote to the people settled on the Nolichucky, the French Broad, and the Holston, and scathingly denounced Sevier and his men. The Governor of North Carolina, upon hearing the horrible story, ordered that Sevier and his men be at once arrested for treason against the State. Sevier was brought to jail at Morganton, but he escaped and was never tried. In 1789, Washington County, in the present State of Tennessee, but then in North Carolina, elected Sevier to the North Carolina Legislature, and toward the end of the session he was permitted to take his seat, and the charge of treason was dropped. He was a representative in Congress from North Carolina—from March, 1789, to March, 1791—and was the first Governor of the new State of Tennessee. (Arthur's History of Western North Carolina, pages 117, 118, and 122.)

Sevier no doubt rendered signal service both in the field and in the councils of the State and Nation. History refers to him as a pioneer statesman, and the great State of Tennessee still sings his praises, and honors his memory as one of their greatest men; but let me ask, Who sings the praises of Old Tassel, the great Indian Chief, who always advocated peace between the Indians and their "Elder Brother", and who asked nothing more than that his people



be permitted to retain their own land, the peaceable possession of which had been guaranteed to them by the joint treaty of the Colonies of Virginia and North Carolina, and the Cherokee Nation, at the Long Island of the Holston on the second day of July, 1777?

Sevier's treatment of Old Tassel on this occasion, or, rather, the atrocities that he permitted to be perpetrated against Tassel and the other Chiefs by Kirk and his men, calls to my mind the treatment which ancient Rome visited upon Carthage. The historian Rollins tells us that when the Third Punic War was declared by the Romans, they sent a messenger to Carthage to announce the declaration long after the Roman army had started on its way. The Carthaginians at once sent messengers to beg for peace. The Romans demanded the surrender of three hundred hostages before they would enter into negotiations. When three hundred sons of the Nobles of Carthage had been given into their hands, the Romans further demanded the delivery of all the arms and implements of war before they would announce the terms of the treaty. These conditions were sorrowfully, but promptly, complied with, and the people who boast of their Hannibal and Hamilcar, gave up to their ancient enemies every weapon of offense and defense. Then the Roman Consul, rising up before the humiliated representatives of Carthage, said: "I cannot but commend you for the readiness with which you have obeyed every order. The decree of the Roman Senate is that Carthage shall be destroyed!" (Rollin's *Ancient History*, Volume I, pages 407-409.)

Old Tassel had said in his pathetic appeal quoted at the beginning of this chapter, "We are the first people that ever lived on this land; it is ours." . . . Old Tassel spoke the truth. There is some evidence that prior to the occupation of the Alleghanies by the Cherokees, certain sections in our mountains had been occupied by some unknown people; but nothing definite is known of them. The answer to the question asked by old Tassel in his eloquent appeal to the Governors of Virginia and North Carolina is found in the decisions of our Courts.

In the case of *Johnson and Graham's Lessee v. McIntosh*, 21 U. S., page 572, Chief Justice Marshal, among other things, says: "In the establishment of these relations with the Indians, the rights of the original inhabitants were in no instance entirely disregarded; but were, necessarily, to a considerable extent impaired.

They were admitted to be the rightful occupants of the soil, with a legal as well as a just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty as independent nations, were necessarily diminished, and their power to dispose of the soil, at their own will, to whomsoever they pleased, was denied by the original fundamental principle that discovery gave exclusive title to those who made it. While the different nations of Europe respected the rights of the natives as occupants, they asserted the ultimate dominion to be in themselves; and claimed and exercised as a consequence of this ultimate dominion a power to grant the soil while yet in possession of these natives. These grants have been understood by all to convey a title to the grantees subject only to the Indian right of occupancy."

In *Worcester v. Georgia*, 31 U. S., page 515, Chief Justice Marshal, writing the opinion for the Court, says: "The great maritime powers of Europe discovered and visited different parts of this continent at nearly the same time. The object was too immense for any one of them to grasp the whole; and as the claimants were too powerful to submit to the exclusive or unreasonable pretensions of any single potentate, to avoid bloody conflicts which might terminate disastrously to all, it was necessary for the nations of Europe to establish some principle which all would acknowledge, and which would decide their respective rights as between themselves. This principle, suggested by the actual state of things, was that discovery gave title to the government by whose subjects, or by whose authority it was made, against all other European governments, which title might be consummated by possession. This principle, acknowledged by all Europeans, gave to the nation making the discovery the sole right of acquiring the soil and making settlements upon it."

In the case of *Fletcher v. Peck*, reported in 6th Cranch, 119, it is said: "What is the Indian title? It is a mere occupancy for the purpose of hunting. It is not like a tenure; they have no idea of a title to the soil itself; it is overrun by them, rather than inhabited. It is not a true and legal possession. It is a right, not to be transferred, but extinguished."

Whatever rights and titles Great Britain had to lands in North America, including the lands embraced within the boundaries of North Carolina, were transferred to the Thirteen Original Colonies or States, by the Treaty of Peace executed at Paris on

September 3, 1783, and ratified by Congress on January 14, 1784. That Treaty, among other things, provides: "His Brittanic Majesty acknowledges the United States, to-wit: (Here naming them, including North Carolina), to be free, sovereign, and independent states; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the Government Proprietary, and the Territorial rights to the same, and every part thereof." So it will appear that the King of England ceded nothing to the United States as such, but by the Treaty ceded to the Thirteen Colonies all the land embraced within their respective boundaries. This fact has always been recognized both by the Federal Courts and the Courts of the Original Thirteen States. (See *Lattimore v. Poteat*, 39 U. S., 14; *Brown v. Brown*, 106 N. C., 455, and *Strother v. Cathey*, 5 N. C., page 167.)

The question of the title to the lands west of the Blue Ridge in North Carolina, after the Indian occupancy ceased, was settled by the provisions of the Treaties themselves. In all there were eight treaties affecting the Indian titles to their lands in Western North Carolina, some of which were concluded between North Carolina and surrounding Colonies, and the Cherokee Nation, and the others between the United States and the Cherokee Indians.

First, the Treaty of 1761, by which the Blue Ridge was made the Indian boundary.

Second, the treaty of 1772, and the purchase of 1773, by which the ridge between the Nolichucky and Watauga Rivers from their sources in the Blue Ridge westward, and the Blue Ridge to the Virginia line was made the eastern boundary.

Third, the Joint Treaty made and concluded between the States of Virginia and North Carolina and the Cherokees, at the Long Island on the Holston, on July 2, 1777, the Blue Ridge was made the eastern boundary.

Fourth, the Treaty of Hopewell, of November 28, 1785, by which the line was moved westward to a line running east of Marshall, Asheville, and Hendersonville.

Fifth, the Treaties of Tellico, October 25, 1804, and October 25 and 27, 1805, which affected only Tennessee, Kentucky, and Georgia, and one concluded at Washington, D. C., January 7, 1806, affecting lands between the Duck and Tennessee Rivers.

Sixth, the Treaty of Holston, establishing the noted Meigs and Freeman line, whose location has been the deciding point in perhaps



a hundred lawsuits, and extended from where Hawkins' line crosses the Smoky Mountains to Ellocut's Rock in the middle of Chattooga River on the dividing line between North and South Carolina, and which crosses Jackson County, just to the east of Sylva.

Seventh, the Treaty of 1819, by which the line was moved westward to the Nantahala and Tennessee Rivers, twenty miles west of Franklin.

Eighth, the Treaty of New Echota, in 1835, by which the title to all of the Cherokee lands in North Carolina, South Carolina, Tennessee, Georgia, and Alabama was extinguished, and under which the Cherokees agreed to remove west of the Mississippi.

By reference to the above-named Treaties, it appears that, each time a new treaty was entered into, the eastern boundary line in Western North Carolina was moved to the westward. As soon as each successive treaty was entered into, all the lands lying to the east of the newly established eastern boundary was at once thrown open to entry and grant by the North Carolina Legislature. (See Whitney's Land Laws of Tennessee; Revised Statutes of North Carolina, Volume 2; Code of 1883, pages 67 to 79, inclusive.)

Upon the conclusion of a treaty, the title to the Indian lands was not *transferred* but was *extinguished*. If the land affected was a part of the domain of the United States when the Indian title—the right of occupancy—was extinguished, the entire title, that is, the fee and the right to possession, at once vested in the United States. But when a treaty was concluded between the United States and an Indian tribe respecting any lands within the boundaries of the Thirteen Original Colonies, or in Texas, *eo instanti*, both the fee and the right of occupancy vested, not in the United States, but in the state in which the land was situated. This is so, because the land embraced in the Original Thirteen Colonies, and the land embraced within the boundaries of Texas, never formed a part of the domain of the United States.

As already stated, North Carolina, and the other Colonies composing the Original Thirteen, were hoary with age long before the United States Government was formed; and the Treaty of Paris ceded the lands to the Colonies and not to the United States.

After Texas achieved its independence and was organized into a Republic under the leadership of Sam Houston, this republic of Texas was *annexed* to the United States by the mutual consent of the two republics. Texas has never admitted to the Union in the

sense that our other Terriotries have been admitted to Statehood.

With respect to a title extinguished by a Treaty with an Indian Tribe, the law is further stated in 14 Ruling Case Law at page 134, as follows: "Then, upon the extinguishment of the Indian title, where was the fee? In 14 R. C. L., at top of page 134, we find this statement: 'A formal act of cession on the part of the tribe, by Treaty or otherwise, operates to determine the Indian title, and is the usual method in which such rights have been extinguished; the interest of each member of the tribe is divested by the tribal cession, there being no cessity or reason for the joinder of individuals in the act of cession. The possession of Indian lands, when abandoned by the Indians, attaches itself to the fee without further grant, and such relinquishment is as effectual as a formal act of cession'."

I here call attention to the fact that the United States did not *exchange* any lands with the Cherokee Nation. It set apart the large Reservation which they afterwards occupied west of the Mississippi, and the consideration moving the United States to grant to the Cherokees this Reservation had no reference to the lands that were being ceded in North Carolina to which the title was extinguished by the Treaty of New Echota.

"In the meantime—from the Treaty of 1828 until the treaty of New Echota—the Cherokees remaining east of the Mississippi were subjected to harassing and vexatious legislation from the States within which they resided. The United States had, as early as 1802, agreed with Georgia, in consideration of her cession of wesern lands, to extinguish the Indian title to lands within the State. North Carolina claimed that the United States were under a similar obligation to extinguish the Indian title to lands within her limits, in consideration of a like cession of western lands, although there was no positive agreement to that effect. And with the extinguishment of their title, it was expected that the Indians themselves would be removed to territory beyond the bounds of those States. At the time the Treaty of 1828 was made, a great deal of impatience had been exhibited by the people of those States at the little progress made in the extinguishment of the Indian title, and at the continued presence of the Indians. Severe and oppressive laws were passed by Georgia in order to compel them to leave; and, though less severity was practiced in North Carolina towards the Indians in that State, an equally pronounced desire for their

departure was expressed. Angry and violent disputes between them and the white people in both States, but more particularly in Georgia, were of frequent occurrence. The Treaty of New Echota was made to put an end to those troubles and to secure the reunion of the divided nation. It recites as motives to its negotiation, among other things, that the Cherokees were anxious to make some arrangement with the Government of the United States, whereby the difficulties they had experienced from residence within the settled parts of the country under the jurisdiction and laws of the State governments might be terminated and adjusted, and they be reunited into one body, and be secured a permanent home for themselves and their posterity in the country selected by their forefathers, without the territorial limits of the State sovereignties, and where they could establish and enjoy a government of their choice, and perpetuate such a state of society as might be most consonant with their views, habits, and conditions, and as might tend to their individual comfort and their own advancement in civilization." (Cherokee Trust Funds, 117 U. S., at pages 300 and 301.)

The Treaty of New Echota, Georgia, was signed on December 29, 1835. Out of a population of over 17,000 only from 300 to 500 men, women, and children attended the conference.

By this Treaty the Cherokee Nation ceded to the United States all of its remaining territory east of the Mississippi, including the Indian lands in Western North Carolina, for the sum of five million dollars, and a common joint interest in the territory already occupied by the Western Cherokees who had removed some years before, into what is now Oklahoma, with an additional smaller tract in what is now Kansas. Under the provisions of the Treaty, improvements were to be paid for, and the Indians were to be removed at the expense of the United States and supported by the Government for one year after their arrival in the new territory. The removal was to take place within two years from the ratification of the treaty.

On the representations of the Cherokee signers, who, no doubt, would not have signed otherwise, it was agreed that a limited number of Cherokees who should desire to remain in North Carolina, Tennessee, and Alabama, and become citizens, they first having been adjudged "qualified or calculated to become citizens, they first having been adjudged "qualified or calculated to become useful



citizens," might so remain, together with a few holding individual tracts of land under former treaties. This provision was allowed by the Commissioners, but was afterwards struck out on the announcement by President Andrew Jackson of his determination "not to allow any preemptions or reservations, his desire being that the whole Cherokee people should remove together."

As the time approached for carrying the provisions of the Treaty into effect, bitter feeling arose on the part of the Indians. An agent who was sent down by the Government to report on the situation wrote to the authorities in September, 1837, that opposition to the Treaty was unanimous and irreconcilable, the Indians insisting that the Treaty could not bind them because it was not made by them; that it had been made by a few unauthorized individuals and that the Cherokee Nation was not a party to it. The Cherokees had retained their form of government, albeit no election had been held since 1830, while the officers then elected had continued to serve. Under this arrangement John Ross, a half-breed, was principal chief, whose influence among the Cherokees was unbounded. The agent above-mentioned further reported to the Government: "The whole Nation of 18,000 persons is with him (Ross), a few—about three hundred who made the treaty—already having left the country . . . . It is evident, therefore that Ross and his party are in fact the Cherokee Nation. I believe that the mass of the Nation, particularly the mountain Indians, will stand or fall with Ross." (From the report of J. M. Mason, May 31, 1838, to the Secretary of War.)

Until the last, the Cherokees believed that the Treaty would never be enforced, and with all the pressure that could possibly be brought to bear upon them only about 2,000 of the 17,000 in the Eastern Nation had removed at the expiration of the time fixed by the Treaty—May 26, 1838.

It having then become apparent that the removal could only be accomplished by force, General Winfield Scott was appointed for that purpose, with instructions to start the removal to the west at the earliest possible day. He was ordered to take command of the troops already stationed in the Cherokee Country, together with additional reenforcements of infantry, cavalry, and artillery, with authority to call upon the Governors of the adjoining States for as many as 4,000 militia and volunteers. The whole force thus employed numbered about 7,000 men—regulars, militia, and vol-

unteers. The Indians had previously been disarmed by General Wool of the United States Army.

At that time my father, Colonel John H. Alley, lived in Rutherford County, North Carolina, and was Colonel of the Militia of that County; and he, with his regiment, was ordered by General Scott to assist in the removal. From my earliest childhood to the time of his death, he often talked to me about the hardships, suffering, and heart-breaks experienced by the Indians all the way from their loved native land to their faraway home in the Indian Territory. He was never proud of the part his duty as an officer compelled him to play in that tragedy, for tragedy it was.

When General Scott reached the Cherokee Country, he established headquarters at the capitol, New Echota, in Georgia, and from there on May 10, 1838, he issued his proclamation to the Cherokees, whereby he warned them that the removal must at once commence, and that before another moon had passed every Cherokee man, woman, and child must be on their way to join their brethren in the far West, pursuant to the orders of the President, which he, the General, had come to enforce.

The Proclamation concludes in these words: "The troops already occupy many positions, and thousands and thousands are approaching from every quarter to render resistance and escape alike hopeless. Will you, then, by resistance, compel us to resort to arms? Or, will you by flight, seek to hide yourselves in mountains and forests and thus oblige us to hunt you down?"

No chapter in American history is more heavily freighted with grief and pathos than the history of the removal of the Cherokee Indians in 1838, and the events which led up to it, as I have heard the story from the lips of my father, and as I have read it in books of history and the reports of the Court decisions.

Under the orders of General Scott the troops were stationed at various points throughout the Cherokee Country, where stockades and forts were built for holding the Indians when brought in as prisoners, at the point of the rifle and bayonet, from every cabin in the mountain coves or on the banks of the mountain streams. Their cabins were burned, their cattle driven off; and by vandals who followed in the wake of the army, their graves were robbed of silver pendants and other valuables that had been buried with their dead, as was the Indian custom. To prevent escapes, the

soldiers had been ordered to surround each cabin so as to catch their prey unawares.

It is said that one old patriarch, when surprised in this manner, calmly called his children and grand-children around him and had them kneel and pray with him in their own language, in the presence of the soldiers, and then, calling his family, voluntarily led the way into exile.

A woman, finding her cabin surrounded, went to the door, called up her chickens and fed them for the last time, and then, taking her "papoose" on her back and her two other little children by the hand, followed her husband into "captivity".

But all of them were not quite so submissive. There was an old man by the name of Tsali (Charlie) who was seized, with his wife, his brother, and three sons and their families, and who became so indignant because the soldiers prodded his wife with bayonets to make her walk faster, that he and these other men each grabbed a soldier and tried to take their guns from them. One soldier was killed and the others ran, and the Indians escaped to the mountains. Hundreds of others escaped from the stockades, and General Scott, finding it well nigh impossible to capture these fugitives, made them a proposition through their friend, Colonel W. H. Thomas, that if they would surrender Tsali for punishment, the others might have their cases passed upon by the Government. Tsali then came in with his sons and offered to sacrifice himself to save his people. By the command of General Scott, a detachment of Cherokee prisoners was compelled to shoot Tsali, his brother, and his two elder sons; and it was stated that the Indians were thus compelled to shoot their own people in order to impress upon them the fact of their utter helplessness. From these fugitives—between eleven hundred and twelve hundred in all—originated the present Eastern Band of Cherokee Indians now living in the mountains of Western North Carolina.

When nearly 17,000 Cherokees had been gathered into the various stockades, the removal began. In June, 1838, about five thousand Indians were taken to Calhoun, on the Hiawassee, and to the present Chattanooga, and to the present Guntersville, Alabama, lower down on the Tennessee, where they were put upon steamers and transported down the Tennessee and the Ohio Rivers to the farther side of the Mississippi and then by land to the Indian Territory.



Then, in October, 1838, the remaining exiles, about 13,000 in all, went overland, crossing to the north side of the Hiawassee, the sick, the old people, and the little children, with blankets, cooking pots, and other articles, in wagons, of which there were 645, while the younger and the stronger rode horses or walked. They crossed the Tennessee at Tucker's Ferry, near the mouth of the Hiawassee; then by way of Pikeville, through McMinnville, crossed the Cumberland at Nashville. They then went by Hopkinsville, Kentucky, and crossed the Ohio near the mouth of the Cumberland, passed through southern Illinois, reaching the Mississippi at Cape Girardeau. Crossing here at Green's Ferry, they marched on through Missouri to the Indian Territory, the terrible journey ending in March, 1839; and to this day the Indians refer to the route they traveled as "The Way of Tears." More than 1600 Indians died on this journey. Hundreds had died in the stockades before removal started; hundreds of others died after reaching the Indian Territory as the result of sickness and exposure on the journey.

It has been officially stated that more than 4,000 Indians died as the direct result of the removal. (See Fifth Annual Report of the Bureau of Ethnology, page 222.)

I have heard my father say that scores of babies were born on the way, some in wagons during the day, and some in the camps at night; but the removal was not halted on this account.

In Oklahoma there are now approximately 40,000 Cherokee Indians, when the mixed breeds are included.

The Eastern Cherokees are the descendants of those who eluded the pursuit of the soldiers in the general round-up in 1838, and those who managed to escape from the guards at the various collecting stations. As already stated, the number remaining was between eleven hundred and twelve hundred. The work of running them down was well-nigh impossible, for those escaping fled to the remotest recesses of the mountains, and found refuge in an untamed wilderness.

W. H. Thomas, always the friend of the Cherokees, went to Washington to endeavor to perfect some arrangement for their permanent settlement here in their native mountains; and it is said that to him the Eastern Cherokees are indebted for their existence as a people.

President Jackson having had the provision in the Treaty of New Echota which permitted a limited number of Indians to remain in

this country, stricken from the Treaty, those that escaped were made landless aliens in their native land.

Thomas remained in Washington the greater part of the time from 1838 to 1842, and finally obtained the permission of the Government for these Indians to remain in North Carolina. The Government also agreed that they should have their share of the moneys due for improvements and lands confiscated, and this sum was placed at Thomas' disposal, as agent and trustee for the Indians. Under this authority he purchased for them the present boundary which they occupy in Jackson and Swain Counties, on Ocona Lufta River and Soco Creek, together with several tracts in Cherokee and Graham Counties.

Following the Treaty of New Echota and up to 1866, North Carolina refused to recognize Indians as land owners within the State, and for this reason Thomas took title in his own name for the lands so purchased by him as Trustee for the Indians. On account of complications arising through certain creditors of Thomas, and other parties asserting claims to some of the tracts he had purchased, an Act of Congress was passed, July 15, 1870, authorizing the institution of a suit in Equity, to ascertain the rights of the parties and settle the matters in dispute.

In this suit, Arbitrators were appointed in the United States District Court at Asheville, and thereafter an award was made, which, among other things, recites in substance that these lands were purchased with funds belonging to the Indians, and a deed was made to the Eastern Band of Cherokee Indians, which recites the same facts.

These Indians were entitled to certain moneys after the War between the States, which the Government refused to pay over to them, unless they moved to the Indian Territory, or secured an Act of the Legislature of North Carolina allowing them to remain permanently in the State. Promptly thereafter this permission was granted by the North Carolina Legislature, by Chapter 64 of the Laws of 1866.

In the meantime, in the case of Cherokee Trust Funds, 117 U. S., pages 303 and 309, the Supreme Court of the U. S. held:

"They are without organization or a collective name. They ceased to be part of the Cherokee Nation, and hence they became citizens of and were subject to the laws of the State in which they resided . . . . The Cherokees of North Carolina dissolved their

connection with their Nation when they refused to accompany the body of it on its removal, and they have had no separate political organization since. Whatever union they have had among themselves has been merely a social or a business one. It was formed in 1868, at the suggestion of an officer of the Indian Office, for the purpose of enabling them to transact business more conveniently with the Government. Although its articles were drawn in the form of a Constitution for a separate civil government, they have never been recognized as a separate nation by the United States; no Treaty has been made with them; they can pass no laws. As well observed by the Court of Claims in its exhaustive opinion, they have been in some matters fostered and encouraged, but never recognized as a Nation in whole or in part."

The Federal Court, in *U. S. v. Boyd*, 68 Federal Reporter, at page 579, says: "It must not be understood that these Cherokee Indians, although not citizens of the United States and still under pupilage, are independent of the State of North Carolina. They live within her territory. They hold lands under her sovereignty, under her tenure. They are in daily contact with her people. They are not a Nation or a tribe. They can enjoy privileges she may grant. They are subject to her criminal laws. None of the laws applicable to Indian Reservations apply to them."

During the year 1868 the North Carolina Cherokees endeavored to effect a tribal organization or Constitution to live under. This attempted organization was held invalid by the decision of the Supreme Court of the United States in the case of *Eastern Band of Cherokee Indians v. United States and Cherokee Nation*, West, 117 U. S., 288; and thereafter the Legislature of North Carolina again came to their relief and passed Chapter 211 of the Private Laws of 1889, incorporating the Indians into the Eastern Band of Cherokee Indians. This statute was subsequently amended by Chapter 166 of the Private Laws of 1895, and by Chapter 207 of the Private Laws of 1897.

The Indians in question are subject to the criminal laws of North Carolina and are punished in her Courts for offenses committed by them. They invoke the aid of the North Carolina Courts for the redress of their grievances. They use the public roads and highways built at the expense of the State and County. They are educated in a school supported and maintained by the Federal Government, but which they are compelled to attend by virtue of



Chapter 213, Laws of 1905. They are not required to pay taxes for the support of the State or County schools, although, in some instances, such tax has been paid in the past, but in some, if not all instances, the same was refunded.

They are in daily contact with the people of North Carolina. They can enjoy privileges which she may grant, and none of the laws applicable to Indian Reservations apply to them. They may take and hold land by Grant in North Carolina under its Constitution and laws. (*Colvard v. Monroe*, 63 N. C., 288.)

This Band of Cherokee Indians, holding their land in fee, can alienate the same, but the contract is reviewable by the Government for one purpose only, to protect them from fraud or wrong, and they having been incorporated as a body politic, with the power of suing and being sued, the Acts of this Band are reviewable only to protect the members from fraud and wrong. Thus it will be seen that this Band of Indians holds all their lands in the Qualla boundary and elsewhere in fee, as a corporation, duly organized under the laws of the State of North Carolina, and that Government jurisdiction over their lands and Indians is limited by the decrees of the Courts to cases where unjust or unfair dealing is alleged and proved.

The Treaty of New Echota attempted to confer upon the remnant of the Cherokee Nation remaining in North Carolina the right to become citizens of this State, but it did not confer upon them citizenship. It authorized them to become citizens only when it should be recognized that they were qualified or calculated to become useful citizens. This presupposes some sort of examination into the question of their qualification, and a favorable decision thereon.

In *Cherokee Trust Funds Case*, 117 U. S., 303, it was said: "They ceased to be a part of the Cherokee Nation and henceforth became citizens of and were subject to the laws of the State in which they resided." In many respects, however, they were treated as citizens.

There are many other privileges that they enjoy. They are punishable in North Carolina's Courts for the offenses they commit, except such as are committed against the United States, and white people are punished for offenses committed against them. As individuals these Indians go into the Courts of North Carolina for the redress of their grievances.

And if a parent refuses to send his children to school in obedience to the provisions of State law, he is indictable and punishable in the State Courts by virtue of the provisions of such law. (State v. Wolf, 145 N. C., 440.)

They are not permitted to marry under the ancient customs of their tribe, but must be married in accordance with the North Carolina laws. (State v. Ta-cha-na-tah, 64 N. C., 614.)

The laws of North Carolina permit resident Cherokees to take and hold land by grant. (Colvard v. Monroe, 63 N. C., 288.)

The Courts of North Carolina uphold against its own citizens the title of the Eastern Band of Cherokee Indians, held under North Carolina tenure. (Frazier v. Cherokee Indians, 146 N. C., 477.)

There contracts for more than \$10.00 must be in writing. (C. S., 989.)

So it will be seen that for all practical purposes the North Carolina Cherokees have always been treated as other citizens in the State have been treated, but the State could not confer citizenship upon them, as, before becoming legal citizens of North Carolina, they must first become citizens of the United States.

Now, how can an Indian become a citizen? In *Elk v. Wilkins*, 112 U. S., at page 194, it is held that an Indian may acquire citizenship in any one of three different ways: First, by the terms of a Treaty; second, by Act of Congress; and third, by becoming naturalized, as the subject of a foreign power would have to do. On the other hand, citizenship, when once vested, may be lost in only three ways: First, by forfeiture, as in case of conviction for an infamous crime; second, by the voluntary withdrawal of citizenship from this Government and becoming a citizen of a foreign power in accordance with its laws; and third, by conquest, as in the case of the destruction of a Government by a conquering foe. An instance of the last occurs in the case of our war with Mexico, when all the Mexican people who remained within the conquered territory ceased to be citizens of Mexico and became citizens of the United States. (*Boyd v. Thayer*, 143 U. S., 167; *McKinney v. Saviago*, 59 U. S., 240.)

Although not citizens of the United States, North Carolina permitted these Indians to vote prior to the adoption of the suffrage amendment of 1900. They were made citizens by the General Act of Congress approved June 2, 1924, which conferred citizen-

ship on all non-citizen Indians. (43 Statutes at Large, page 253.)

But the Act of Congress, June 4, 1924, 43 Statutes at Large, 376, which exempted their lands from taxation, in like manner attempts to provide that the Indians constituting this Band shall not become citizens of the United States until after the allotment of the lands in severalty shall have been completed and the restrictions removed therefrom. But to put the question forever at rest with reference to the right of the Indians in question to become citizens, Congress passed an Act which clarifies the situation and confers upon the individual members of the Eastern Band of Cherokees all the privileges of citizenship. So now they have the right to vote, if they can meet the educational requirements under our Constitution.

The Eastern Band of Cherokee Indians, a North Carolina corporation, now owns in fee under North Carolina tenure 50,000 acres of land in Jackson and Swain Counties, and other tracts situated in Cherokee, and Graham Counties, containing 13,000 acres. They have a population of about 3500, most of whom are full-blooded Cherokees.

Under the authority conferred by statute incorporating them into the Eastern Band of Cherokee Indians, they have their own government for the regulation of their tribal affairs. A Chief, a Vice-Chief, a Marshall, and a Council consisting of twelve, are elected every four years by a vote of the people of the several districts or "Towns"—Bird Town, Paint Town, Wolf Town, Yellow Hill (now Cherokee), and Big Cove.

While the title to the lands is vested in the corporation, the Indians, as among themselves, own the land by a species of tenancy in common.

The seat of Government is at Cherokee, where the school is maintained; and there the Council, from time to time, sets apart to the heads of families, small tracts of the common land, and when improvements are placed upon it, the Indian to whom the particular tract is assigned, may, through himself and his heirs, hold it indefinitely against all other Indians. He may transfer his possession and improvements by deed to another Indian, but not to a white man or a negro.

The Cherokee Indians were the first occupants of our mountains, as I have already shown, and had lived therein since soon after the conquest of Mexico by the Spaniards. The European countries



claimed the land by right of discovery, and, although they recognized the Indian's right of occupancy, they claimed the fee—the real ownership of the land itself. Our Courts, both State and Federal, have always followed the European theory of the ownership of the soil.

Our races, always looking for more room, by contract or treaty, oftentimes enforced by the sword, has pushed the Indians off of the lands of their fathers. This insatiable yearning for room, a craving characteristic of the white race, has caused most of the wars that have cursed the world.

Terminus was the God of Boundaries in Roman Mythology. He presided over both public and private boundaries. His only sanctuary was in the Temple of Jupiter, on the Capitoline Hill, where he was honored in the form of a boundary stone, above which was an opening in the roof, that his rites might be performed, as ritual required, in the open air. Many nations and many men have been devotees of this divinity. We are told that Alexander the Great, the Macedonian King, sat down on the bank of the Indus and wept, because the limits of the earth were smaller than his imperial desires. The Roman Legions planted their banners in every country of the then known world, because Rome wanted room. The thunders of Napoleon's cannon reverberated throughout Europe and the lands of many countries were drenched with human blood because he desired to annex the countries of Europe to the domain of France. In recent years, to satisfy the craving for more room, Italy, by the force of numbers and the modern equipment of warfare conquered Ethiopia—the oldest kingdom in the world; and it is now an Italian Colony. Germany, without the slightest cause, justification, or excuse, overpowered the comparatively defenseless Poles, and sought to add their territory to the German Empire; but Russia, moved by greater greed, stepped in, and without the loss of a single life, or the firing of a single gun, appropriated two-thirds of the territory of Poland, and Germany, being at War with England and France, could not utter a word of protest. Without excuse, and in open violation of her solemn contract, Germany dismembered Czecho-Slovakia, and now claims the best part of her territory. For three years, in an undeclared war, the armies of Japan have been butchering countless thousands of the unprepared and peace-loving Chinese; and today, as the world looks on in amazement and admiration, brave, gallant, little Finland, outnumbered

bered fifty to one, is fighting the greatest battle ever known to the military history of all the world, to thwart the hoggish greed of Russia to add to her already boundless acres.

In recent years the Eastern Band of Cherokee Indians have made considerable progress, abundant evidence of which may be seen not only in the conduct and habits of the Indians themselves, but in their Annual Fair held at Cherokee in each October. Those among them who are industrious live in reasonable comfort, but very few of them accumulate money or property. Like their remote Chinese ancestors, the people as a rule, are inherently honest. They never forget a kindness or an injury. What their future will be, there is no prophet to prognosticate.

The world can never repay the debt it owes to the American Indian for the useful food and other plants inherited from them. Many of the most universally used foods in the world today are of Indian origin. From them we inherit corn, and beans of many varieties. From them we received melons, pumpkins, squashes, chili peppers, and peanuts. Among the Indian fruits which we enjoy today are the banana, the pineapple, the plum, the persimmon, many varieties of the grape, the strawberry, and many other berries.

In the far South they made chocolate from the cocoa plant, and in the more northerly climes they gathered the sap of the sugar maple and boiled it into blocks of maple sugar. They gave to us the white, or Irish potato, and the yam, or sweet potato, and the first tomatoes the world ever saw were those grown by Indians. They produced different kinds of hemp for the making of ropes and twine, and they produced the long staple cotton, while from the Llama and Alpaca they obtained their wool for clothing. The Indians were the first people in the world to use rubber, which they made into bottles; and they were the first producers of tobacco, the production and manufacture of which, from the stand-point of money value, constitutes North Carolina's greatest industry today. (See article by Mrs. Eddie Wilson, published in the May, 1938, issue of *The Elementary Teacher*, Western Carolina Teachers' College; *Old Civilizations of the New World*.)

## CHAPTER XIX.

### THE ORIGINAL CAROLINA MOUNTAINEERS CONCLUDED.

*I am in your power; do with me as you please. I am a soldier. I have done the white people all the harm I could; I have fought them, and fought them bravely. If I had an army I would yet fight and contend to the last; but I have none; my people are all gone. I can do no more than weep over the misfortunes of my nation. Once I could animate my warriors to battle; but I cannot animate the dead. My warriors can no longer hear my voice; their bones are at Talledega, Tallushatchee, Emuckfaw and Tohopeka. I have not surrendered myself thoughtlessly. While there were chances of success I never left my post, nor supplicated peace; but my people are now gone, and I ask it for my nation and for myself.*

*On the miseries and misfortunes brought on my country, I look back with deepest sorrow, and I wish to avert still greater calamities. If I had been left to contend with the Georgia army alone, I would have raised my corn on one bank of the river, and fought them on the other; but your people have destroyed my nation. You are a brave man; I rely on your generosity. You will exact no terms of a conquered people but such as they should accede to; whatever they may be, it would be madness and folly to oppose. If they are opposed, you will find me among the sternest enforcers of obedience. Those who would still hold out can only be influenced by a mean spirit of revenge, and to this they must not, and shall not, sacrifice the last remnant of their country. (From the speech by Weatherford, the greatest of the Creek Chiefs, delivered before General Jackson the 27th day of March, 1814, after his defeat of the Creeks at the Great Bend of the Tallapoosa River.*



Be it said to the everlasting credit of "Old Hickory," that, after listening to Weatherford's eloquent speech, he was so impressed by the straight-forward and fearless manner of Weatherford, he allowed him to go alone to gather up his people preliminary to arranging the terms of peace. Jackson declared afterwards that the Chief was as high-toned and fearless a man as he had ever met. Weatherford's father was a white man and his mother a Creek woman. (Mooney's Myths, page 217.)

At the close of the Revolutionary War, the Cherokees were exhausted as the result of their disastrous conflicts with the white people. They were still at war with the Creek Nation, however, and in that war, Tecumseh, a famous Indian Chief of the Shawnees, born in Ohio, who had formed a plan for a great Confederacy of the Indians against the whites, visited the southern Indians, the Chocktaws, the Creeks, and the Cherokees, with the view of persuading them to join his Confederacy; and it is said that he visited the great Cherokee Chief, Junaluska, at his home and at the Town House on Soco Creek in what is now Jackson County.

In the Annals of Haywood County, by W. C. Allen, at pages 44, 45, and 46, there is a story quoted from an account written many years before, which I here quote as follows:

"It was one day in the summer of 1812 that the heralds of Tecumseh came to Cherokee in the mountains of Western North Carolina. They announced that the great Tecumseh was coming to speak to his brethren of the Balsams. 'Chief of the Cherokees,' said they, 'the Shooting Star of the West will be here in two days, and he desires all good Indians to meet him at Soco Gap.' The Indians called Tecumseh 'Shooting Star.'

Then there was hurrying to and fro to give Tecumseh a welcome. They were not quite sure what he was coming for, but they wanted to hear what he might say. About one thousand chiefs and warriors met at the appointed place and time and seated themselves on the greensward. As Tecumseh came among them, he bowed to them and they to him. One chief spoke as follows: 'Shooting Star, you are known to us. We have often heard of you. We are glad that you have come to visit us. We have heard of what you have done in the far west, and want you to tell us more.'

'My brother Cherokees,' said Tecumseh, 'I have long wanted to see your faces. You are of the same blood as the Shawnees, my people, who live toward the Big Sea Water. I am glad to see you.

You know that the Indian race was intended by the Great Spirit to be the masters of the world. The Master of Life Himself was an Indian. He made the Indian before the others of the human race. Indians sprang from the brain of the Great Spirit. The English and French were made from the breast, the Dutch from the feet, and the Long Knives (the Americans) from the hands of the Great Spirit. All these inferior races He made white, and put beyond the great ocean. He intended for them to stay there, but they have come in great crowds to take our land from us. Behold, what they did to the Pequots, the Narragansetts, the Powhatans, the Tuscaroras, and the Corees. They have put the sand upon them and they are no more. White men have built their castles where the Indian hunting grounds once were, and now they are coming into your mountain glens. Soon there will be no place for the Indians to hunt the deer. Cherokees, children of the Great Spirit, do you not see that it is time for you to draw the tomahawk?' In response to this direct question many chiefs and braves shouted 'Yes', but the larger number remained silent. Then one of the younger chiefs arose and said that the words of Tecumseh were the words of truth, and he was ready to follow his lead. Several others did likewise, but the older ones continued to smoke their pipes. At last, Junaluska, one of the bravest among them, spoke against beginning a war upon the white people, saying to the assembled chiefs and warriors: 'It has been many years since the Cherokees have drawn the tomahawk. Our braves have forgotten how to use the scalping knife. We have learned that it is better not to war against our white brothers. They are as numerous as the leaves of the forest. We have been living near them for many years. They are friendly, and do not molest the lands of the Indians. I shall never raise my arm against them.' When Junaluska concluded his speech, several other chiefs expressed similar views, and, it being apparent that an overwhelming majority was with Junaluska, Tecumseh had to return to the west without promise of any cooperation from the Cherokees.

In the war with England, which soon followed, the Cherokees remained loyal to the United States, many of them enlisting in the regular army under Andrew Jackson, and they fought with him against the Creeks, in Tennessee and Alabama.

Junaluska led eight hundred Cherokee braves in that war, at the Battle of Horseshoe Bend of the Tallapoosa. The Creeks had about one thousand men when this battle commenced. Jackson had about

two thousand men, including five hundred Cherokee braves under Junaluska. The Creeks had built a strong breastwork of logs, behind which their houses were situated, and behind the houses were moored a large number of canoes for use in case retreat became necessary.

Jackson sent General Coffee, with Junaluska and his braves, across the river, while he, with the remainder of his men, advanced to the front and placed his cannon on an elevation within eighty yards of the enemy. And then the battle was on. The Indians were posted on the opposite bank of the river, and while some of them continued to fire from that side, others swam across, captured the canoes of the Creeks, brought them over and carried part of the Cherokees back, while others swam over and attacked the Creeks from the rear. When more than half the Creeks lay dead upon the ground, the others plunged into the river and were there killed by the Cherokees. When the battle was over, five hundred and fifty-seven Creek warriors were lying dead on the field, about two hundred and fifty to three hundred were shot in the river, about twenty escaped, and about three hundred prisoners were taken, composed, for the most part, of women and children.

Junaluska and his mountain braves have always been given full credit for saving the day at Horseshoe Bend.

Junaluska was removed to the Indian Territory in 1838, but after the Indians whose descendants compose the present Eastern Band of Cherokees, were given permission by the Federal and North Carolina Governments to remain here permanently, Junaluska returned to his native Carolina Mountains. After his return he was heard to say: "If I had known that Jackson would drive us from our homes, I would have killed him that day at the Horseshoe." (Mooney's Myths, pages 94 to 97.)

However, North Carolina recognized Junaluska's services. The Legislature, by Special Act, in 1847, conferred upon him all the rights and privileges of citizenship, and granted him a tract of land containing six hundred and forty acres, which covered the present town-site of Robbinsville, the county seat of Graham County, and includes the surrounding bottoms on Cheoah and Snow Bird Rivers. In his honor the creek running down by Andrews, in Cherokee County, was named. The mountain just to the north of Waynesville, was named for him. Later on, the Lake, the village, and the railroad station, where the Methodist Southern



Assembly is situated, near Waynesville, were likewise named for him, and several business concerns in the neighborhood have his name.

Junaluska and his wife are buried on a ridge just above Robbinsville. A rough granite monument marks their graves. On the monument there is an inscription in the following words:

"Here lie the bodies of the Cherokee Chief Junaluska, and Nicie, his wife. Together with his warriors, he saved the life of General Jackson, at the battle of Horeshoe Bend, and for his bravery and faithfulness, North Carolina made him a citizen and gave him land in Graham County. He died November 20, 1858, aged more than one hundred years. This monument was erected to his memory by the Joseph Winston Chapter, D. A. R., 1910."

As I have said before, the Cherokee Indians had a Mythology well-nigh as extensive and voluminous as the mythologies of Greece and Rome. Their myths and legends would fill a large volume. I hereinafter give a few of them that especially appeal to me.

### HOW THE WORLD WAS MADE.

The earth is a great island floating in a sea of water, and suspended at each of the four cardinal points by a cord hanging down from the sky vault, which is of solid rock. When the world grows old and worn out, the people will die and the cords will break and let the earth sink down into the ocean, and all will be water again. The Indians are afraid of this.

When all was water, the animals were above in Ga-lun-ra-tu, beyond the arch; but it was very much crowded, and they were wanting more room. They wondered what was below the water, and at last Da-yu-ni-si, "Beaver's Child", the little water-beetle, offered to go and see if he could learn. It darted in every direction over the surface of the water, but could find no firm place to rest. Then it dived to the bottom and came up with some soft mud, which began to grow and spread upon every side until it became the island which we call the earth. It was afterwards fastened to the sky with four cords, but no one remembers who did this.

At first the earth was flat and very soft and wet. The animals were anxious to get down, and sent out different birds to see if it was yet dry, but they found no place to alight, and came back again to Ga-lun-ra-tu. At last it seemed to be time, and they sent out the buzzard and told him to go and make ready for them. This was the

great buzzard, the father of all the buzzards we see now. He flew all over the earth, low down near the ground, and it was still soft. When he reached the Cherokee country, he was very tired, and his wings began to flap and strike the ground, and wherever they struck, there was a valley, and where they turned up again, there was a mountain. When the animals above saw this, they were afraid that the whole world would be mountains, so they called him back, and the Cherokee country remains full of mountains to this day.

When the earth was dry and the animals came down, it was still dark, so they got the sun and set it in a track to go every day across the island from east to west, just overhead. It was too hot this way, and Tsi-ska-gili, the red crawfish, had his shell scorched a bright red, so that his meat was spoiled, and the Cherokees do not eat it. The conjurers put the sun another hand-breadth higher in the air, but it was still too hot. They raised it another time, and another, until it was seven hand-breadths high, and just under the sky arch. There it was right, and they left it so. Every day the sun goes along under this arch, and returns at night on the upper side to the starting point.

There is another world under this, and it is like ours in everything—animals, plants, and people—save that the seasons are different. The streams that come down from the mountains are the trails by which we reach this underworld, and the springs at their heads are the door-ways by which we enter it, but to do this one must go through the water and have one of the underground people for a guide. We know that seasons in the underworld are different from ours, because the water in the springs is always warmer in winter and cooler in summer than the outer air.

When the animals and plants were first made—we do not know by whom—they were told to watch and keep awake for seven nights, just as young men now fast and keep awake when they pray to their Medicine. They tried to do this, and nearly all were awake through the first night, but the next night several dropped off to sleep, and the third night others were asleep, and then others, until, on the seventh night, of all the animals, only the owl, the panther, and one or two more were still awake. To these were given the power to see and go about in the dark, and to make prey of the birds and animals which must sleep at night.

Of the trees, only the cedar, the pine, the spruce, the holly, and the laurel, were awake to the end, and to them it was given to be

always green, and to be greatest for medicine, but to the others it was said: "Because you have not endured to the end, you shall lose your hair every winter."

Men came after the animals and plants. At first, there were only a brother and sister until he struck her with a fish and told her to multiply, and so it was. In seven days a child was born to her, and thereafter every seven days another, and they increased very fast until there was danger that the world could not keep them. Then it was made that a woman should be able to have only one child a year, and it has been so ever since.

### THE LEGEND OF THE TOWN HOUSES.

Long ago, long before the Cherokees were driven from their homes in 1838, the people on Valley River and Hiawassee heard voices of invisible spirits in the air calling and warning them of wars and misfortunes which the future held in store, and inviting them to come and live with the Nun-ne-hi, the Immortals, in their homes under the mountains and under the waters. For days the voices hung in the air, and the people listened until they heard the spirits say, "If you would live with us, gather every one in your Townhouses and fast there for seven days, and no one must raise a shout or warwhoop in all that time. Do this and we shall come and you will see us and we shall take you to live with us."

The people were afraid of the evils that were to come, and they knew that the Immortals of the Mountains and the Waters were happy forever, so they counselled in their Townhouses and decided to go with them. Those of A-kis-ga-ya-yi town came together into their Townhouse and prayed and fasted for six days. On the seventh day, there was a sound from the distant mountain, and it came nearer and grew louder until a roar of thunder was all about the Townhouse and they felt the ground shake under them. Now they were frightened, and despite the warning, some of them screamed out. The Nun-ne-hi, who had already lifted up the Townhouse with its mound to carry it away, were startled by the cry, and let a part of it fall to the earth, where now we see the mound of Set-si. They steadied themselves again and bore the rest of the Townhouse, with the people in it, to the top of Tsu-da-ye-lun-yi (Lone Peak), near the head of Cheowa, where we can still see it, changed long ago to solid rock, but the people are invisible and immortal.



The people of another Town, on Hiawassee, at the place which we call Du-sti-ya-lun-yi, where Shooting Creek comes in, also prayed and fasted, and at the end of seven days the Nun-ne-hi came and took them away down under the water. They are there now, and on a warm summer day, when the wind ripples the surface, those who listen well can hear them talking below. When the Cherokees drag the river for fish, the fish drag always stops and catches there, although the water is deep, and the people know it is being held by their kinsmen who do not want to be forgotten.

When the Cherokees were forcibly removed to the West, one of the greatest regrets of those along Hiawassee and Valley Rivers was that they were compelled to leave behind forever their relatives who had gone to Nun-ne-hi. (Mooney's Myths, pages 335-336.)

#### THE SPIRIT DEFENDERS OF NIK-WA-SI (FRANKLIN).

Long ago a powerful unknown tribe invaded the Cherokee country from the southeast, killing people and destroying settlements wherever they went. No leader could stand against them, and in a little while they had wasted all the lower settlements and advanced into the mountains. The warriors of the old town of Nik-wa-si (Franklin), at the head of the Little Tennessee, gathered their wives and children into the Townhouse, and their scouts were constantly on the lookout for the presence of danger. One morning just before daybreak the scouts saw the enemy approach and at once gave the alarm. The Nik-wa-si men seized their arms and rushed out to meet the attack, and after a long, hard fight, they found themselves overpowered and began to retreat, when suddenly a stranger stood among them and shouted to the Chief to call off his men, and he, himself, would drive back the enemy. From the dress and language of the stranger the Nik-wa-si people thought him a Chief who had come with reenforcements from the Overhill settlements in the present State of Tennessee. They fell back along the trail, and as they came near the Townhouse, they saw a great company of warriors coming out from the side of the mound as through an open doorway. Then they knew that their friends were the Nun-ne-hi, the Immortals, although no one had ever heard before that they lived under the Nik-wa-si Mound.

The Nun-ne-hi poured out by hundreds, armed and painted for the fight, and the most curious thing about it all was that they

became invisible as soon as they were fairly outside of the settlement, so that, although the enemy saw only the glancing arrow or the rushing tomahawk, and felt the stroke, he could not see who sent it. Before such invisible foes the invaders soon had to retreat, going first south along the ridge to where it joins the main ridge which separates the French Broad from the Tuckasegee, and then turning with it to the northwest. As they retreated they tried to shield themselves behind rocks and trees, but the Nun-ne-hi arrows went around the rocks and killed them from the other side, and the fugitives could find no hiding place. All along the ridge they fell, until when they reached the head of the Tuckasegee, not more than half a dozen were left alive, and in despair these sat down and cried out for mercy. Ever since then the Cherokees have called the place Day-yul-sun-yi, "Where they cried." Then the Nun-ne-hi chief told them they had deserved this punishment for attacking a peaceful tribe, and he spared their lives and told them to go home and take the news to their people. This was the Indian custom, always to spare a few to carry back the news of defeat. They went home toward the north, and the Nun-ne-hi went back to the mound at Nik-wa-si.

And they are still there, because in the last war (Civil), when a strong party of Federal Troops came to surprise a handful of Confederates posted there, they saw so many soldiers guarding the town that they were afraid, and went away without making the attack. (Mooney's Myths, pages 336-337.)

This legend bears a striking resemblance to the war recorded in II Kings, Chapter 6. When the King of Samaria made war against Israel, the Prophet Elisha warned the King of Israel not to pass a certain place; but the warning was unheeded. Then the servant of Elisha looked abroad from Samaria and beheld the hosts that encompassed the city, and exclaimed in fear and trembling: "Alas, Master, what shall we do?" And Elisha replied: "Fear not, for they that be with us are more than they that be with them," and his faith opened the eyes of the servant of the man of God, and he looked up again and saw that the air was filled with chariots of fire, and the mountains were filled with horsemen, and they compassed the city about as a mighty and unconquerable host. "So the bands of Samaria came no more into the land of Israel."

## THE DAUGHTER OF THE SUN: ORIGIN OF DEATH.

The Cherokees say that a number of beings were engaged in the Creation. The Sun was made first. The intention of the Creators was that men should live always. But the Sun, when he passed over, told them that there was not land enough for all, and that the people had better die. The dead go eastward at first, then westward to the Land of Twilight, which is to the west in the sky, but not amongst the stars. At length the daughter of the Sun was bitten by a snake, and died. The Sun, on his return, enquired for her and was told that she was dead. All possible means were resorted to to bring her back to life, but in vain. Being overcome in the first instance, the whole race was doomed to follow, not only to death, but to misery ever afterwards. At last the Sun consented that human beings might live always, and told them to take a box and go where the Spirit of his daughter was and bring it back to her body. Some young men therefore started with the box to catch the Spirit. They traveled west until they reached the place where the earth and the sky meet. There they climbed through and went up on the other side until they came to the house of a beneficent spirit, who gave them "medicine" by which they were able to enter the Spirit world, where at a dance, they found the Spirit of the Sun's daughter. When she rose to join in the dance, they seized her and placed her in the box and locked it. They then left the Land of Shadows and came back to the earth. They had been told not to open the box until the girl's Spirit had been brought to her body, but the young men, impelled by curiosity, opened it, contrary to the injunction of the Sun, and the Spirit escaped, and then the fate of all men was decided, that they must die. (Mooney's Myths, pages 252-253.)

This myth bears a striking resemblance to the myth of Pandora.

Grecian Mythology teaches us that Jupiter created the first woman. She was formed in heaven, and all the gods had contributed something to make her perfect, and they named her Pandora. Jupiter then sent her down to the earth, and provided her with a box into which every god had placed some blessing for the use of man; but Pandora, not knowing the contents of the box, and prompted by her curiosity, took off the lid, and all the blessings, with one exception, escaped. Only Hope remained; but in the Cherokee Myth quoted above, Hope plays no part.



LEGEND OF THE COUNCIL OF THE SPIRITS AND  
THE INDIAN CHIEFS—PARADISE GAINED.

The Indians believed that they were originally mortal in spirit as well as in body, but above the blue vault of heaven there was, inhabited by a celestial race, a forest into which the highest mountains lifted their summits. It is a fact worth noticing that while the priests of the Orient described heaven as a great city with streets of gold and gates of pearl and precious gems, the tribes of the Western Continent aspired to nothing beyond the perpetual enjoyment of wild nature. The mediator, by whom eternal life was secured for the Indian, was a maiden of their own tribe. Allured by the haunting sound and diamond sparkle of a mountain stream, she wandered far up into a solitary glen, where the azalea, the kalmia, and the rhododendron brilliantly embellished the deep, shaded slopes, and filled the air with their delicate perfume. The crystal stream wound its crooked way between moss-covered rocks, over which tall ferns bowed their graceful stems. Enchanted by the scene, she seated herself upon the soft moss and, overcome by the fatigue of the journey, was soon asleep. The dream picture of a fairy land was presently broken by the soft touch of a strange hand. The spirit of her dream occupied a place at her side, and wooing, won her for his bride.

Her supposed abduction caused great excitement among her people, who made diligent search for her in their own village. Being unsuccessful, they made war upon the neighboring tribes in the hope of finding her place of concealment.

Grieved because of so much bloodshed and sorrow, she besought the Great Chief of the Eternal Hunting Grounds to make retribution. She was accordingly appointed to call a council of the people of the forks of the Wayeh (Pigeon) River. She appeared to the Chiefs in a dream and charged them to meet the Spirits of the Hunting Ground with fear and reverence.

At the hour appointed, the head men of the Cherokees assembled. The high Balsam peaks were shaken by thunder and aglow with lightning. A cloud as black as midnight settled over the valley, then lifted, leaving upon a large rock a cluster of strange men, armed and painted as for war. An enraged brother of the abducted maiden swung his tomahawk and raised the warhoop, but

a swift thunderbolt dispatched him before the echo died in the hills. The Chiefs, terror-stricken, fled to their towns.

The bride, grieved by the death of her brother, and the failure of the council, prepared to abandon her new home and return to her kindred in the valleys. To reconcile her, the promise was made that all brave warriors and their faithful women should, after death, have an eternal home in the Happy Hunting Ground. From that time on the Great Chief of the forest beyond the clouds became the guardian spirit of the Cherokees. (In the Heart of the Alleghanies, by Ziegler and Grossup, pages 22-24; Mooney's Myths, 478-479.)

### THE LEGEND OF SKEENA (THE CHEROKEE SATAN).

On top of Tsyn-e-gun-yi, the mountain now called Tennessee Bald, where the Haywood, Jackson, and Transylvania County lines come together, is to be found the "Jutaculla Old Fields", a bald spot of about one hundred acres, which the Indian legend supposes to have been cleared by JUTACULLA, the Indian Satan, for a farm. On the top of this mountain there is a prairie-like tract, almost level, reached by steep slopes covered with thickets of balsam and rhododendron, which seem to garrison the reputed scared domain. It was understood among the Indians to be forbidden territory, but a party one day permitted their curiosity to tempt them. They forced a way through the tangled thickets, and, with merriment, entered the open ground.

Aroused from sleep, and enraged by their audacious intrusion, Satan, taking the form of an immense snake, assaulted the party and swallowed fifty of them before the thicket could be gained.

Among the first whites who settled among the Indians, and traded with them, was a party of hunters who used this superstition to escape punishment for their reprehensible conduct. They reported that they were in league with this Great Spirit of Evil, and to prove that, they frequented this "Old Field." They described his bed, under a large over-hanging rock, as a model of neatness. They had frequently thrown into it stones and brushwood during the day, while the Master was out, but the place was invariably as clean the next morning as if it had been brushed with a bunch of feathers. Shining Rock, in Haywood County, is known to the Indians as Dat-su-na-la-gun-yi, which means, "Where the tracks are this way," on account of a rock at its base, toward Sanama, three miles south

of the trail, upon which are impressions said to be footprints made by the giant and his children on their way to Tsun-e-gun-yi. Within the mountain is also the legendary abode of invisible spirits. Some distance farther west, on the north side of Caney Fork Creek, about fifteen miles from Sylva, in Jackson County, there is a rock known as "Jutaculla Rock", on which, according to the Indian legend, are scratches made by the giant in jumping from his farm on the mountain to the creek below.

### THE LEGEND OF THE ENCHANTED MOUNTAIN, OR TRACK ROCK GAP.

Track Rock Gap is in Union County, Georgia, about five miles east of Blairsville, on the ridge separating Brasstown Creek from the waters of Nottely River. This enchanted mountain derives its name both from the tradition of the Indians, and from the fact that a great number of impressions appear in the rocks, above the surface of the earth, presenting the appearance of having been made by the feet and hands of human beings, and by the feet of animals and fowls. On or near the summit of the mountain, there are one hundred and thirty-six impressions of feet and hands visible in the face of the rocks. The impressions of human feet are from the size of four inches in length to seventeen and a half inches in length, and seven and three-fourths inches wide. The last mentioned track is much larger than the rest, and has six toes. The Indians believed that this was the track of the Great Warrior who commanded the victorious Army of the Cherokees in a great battle that was fought at this place against some invading foe centuries before. Near the track of this great warrior is the impression of a beautifully formed female hand, which was the hand of the warrior's wife, according to the Indian tradition. All the seemingly human tracks are as if made by bare feet save one, which appears to have been made by a moccasin-clad foot.

Many horse tracks are there, one only appearing to have been made by a shod-hoof. Some of the horse tracks are very small, others of ordinary size, while one measures twelve and a half inches in length, and nine and a half inches wide. A great many turkey tracks, three deer tracks, a bear's paw, and the tracks of almost every other animal common to the country are to be seen.

According to the Indian legend, this mountain is the residence of the Great Spirit, who is always angry when any one presumes to



ascend its heights, and he never fails to visit the impious wretch who dares to ascend the mountain, with frightful threatenings of his awful indignation, by sending forth the chariot of his wrath, and pouring around the summit of the mountain a tremendous storm of thunder, lightning, and rain.

The Indians also say that a great battle had been fought on this mountain many centuries ago, and that the Great Spirit, being angry on account of the diabolical effusion of human blood, transformed the mountain into solid stone, and, as the retreating armies fled, fixed, as an everlasting mark of his displeasure, in indestrutible substance the prints of their hands and feet, as also the imprint of the feet of their animal attendants. As soon as the soldiers began their descent of the mountain, dark and lowering clouds began to gather around them, and before they reached the bottom, peal after peal of bellowing thunder burst above them; the lightnings blazed in every direction, enveloping the mountain's peak in one broad sheet of liquid fire, while rain poured down in torrents upon their heads. From that day to this no other battle has been fought upon the Enchanted Mountain.

Mooney, in the "Myths of the Cherokees", gives a description of Track Rock Gap, but has little to say about the myth in connection therewith. From other sources I have gathered the myth and expressed it in substance as above written. No writer has yet undertaken to account for the presence of the tracks here described, but they are there today to speak for themselves, except a few that have been chiseled out and carried away by thieving vandals. I visited the mountain and saw the tracks only a few days ago.

### THE LEGEND OF THE BALD MOUNTAINS.

A long, long time ago a terrible thing happened when the Indians had gathered from the Cherokee country at the time of the Green Corn Moon, in the Middle Towns along the Little Tennessee River, to build Nik-wa-si mound higher, it being the custom to add to it each and every year.

A group of happy little children were playing in the water of the clear little stream, when suddenly a great monster swooped down from the clouds on far reaching wings, and with talons bigger than a man's hands, bore off one of the children. Swiftly toward the western mountains it flew. The Indians were filled with terror by the Great "Hornet" that could carry off one of their children. The

Chiefs and young braves of all the towns gathered together to discuss what should be done. They decided to place watchers on the tops of the highest mountains, near together, to halloo to one another. The Cherokee word for "halloo" is Tau-keet. They gave the fearful bird the name of Tau-kee-ta (The Halloo Bird). According to the legend, the Taukeets, or halloo-men, or sentinels, finally traced the monster to its hiding place or den on the steepest side of You-wah-chu-la-na-yeh, or Standing Indian Mountain. This den was not found, however, without months of toil. The Indians could not track the Taukeeta's flight on account of the forests on the mountain crests. So, with their crude stone axes, they cleared the timber from the tops so as to have a clear view of the Terror's movements. This required long and hard labor, and when the den was at last found among the cliffs on the perpendicular mountain side, it was inaccessible. The cliffs above and below the den were steep and slippery. Two stalwart braves climbed to the top of a mighty hemlock tree near the cliffs, where they could hear the screeching, and also the flapping wings of the young ones in their hiding place. Hundreds of Cherokees gathered in the deep ravine at the foot of the cliffs, and for days they tried to reach this den of demons; but their efforts were in vain. At last the Chieftains held a Pow-wow, and called upon their tribes to ask aid from the Great Spirit. For days and nights they prayed for supernatural power, and at last their faith was rewarded; for out of a clear sky came a bolt of lightning so blinding that every man fell on his face. This was followed by a clap of thunder that shook the great mountain. The rugged cliff that had stood the storms of the centuries, was rent asunder. Black clouds rolled across the heavens; but the terrible storm was over as suddenly as it had come. Among the splintered boulders of blue granite at the foot of the mountain was the monster "Hornet" and its two little ones, electrocuted by the bolt of lightning from heaven.

The Cherokees spent days and nights in thankful prayer and praise to the Great Spirit, and received the promise that never again should any mountain top be covered with timber to conceal the dens of the Tau-keeta.

Through this legend, Standing Indian, the highest mountain in the Blue Ridge Range, gets its name. The story goes that one of the Tau-keet men nearest the den, through fear or carelessness, forgot to give his signal, and at the time of "The Bolt from

Heaven", was turned to stone, and has remained standing near these cliffs till this good day. Through all the ages since the elements of wind and rain and storm have worn away the arms of the figure, but a pillar of stone, with head unchanged, still stands, bearing the name as the Cherokees would say it, You-wah-chu-lana-yeh, Standing Indian. (From Cherokee Indian Lore, pages 27-29, by Margaret R. Siler, of Franklin, North Carolina.)

## THE LEGEND OF THE PURPLE LAUREL AND THE WHITE AZALEA.

It was at one of the great gatherings at Nik-wa-si Mound, described in the next preceding legend, that the terrible monster first appeared in this part of the world, and carried off one of the little children.

The Big Chief of the Tribes at that time was San-Touch-ee (the Panther). He had a lovely daughter, Shalola (The Gray Squirrel), who had many lovers among the young braves. Each day much game was laid for her at the door of her father's cabin.

When the little child was carried off by the great Hornett, the Chief, San-tou-chee, offered his daughter, with the snapping black eyes, and the long raven-black hair, as wife to the brave who would find the hiding place of the "Terror" and aid in destroying it.

Among the many young braves, there was one who towered head and shoulders above all the rest, and who was so swift with bow and arrow, that his death-dealing darts let fly—it seemed, before he raised the bow-strings to the level of his eyes. And always his arrow hit the mark. This splendid young brave, San-ta-ca-loo-gee (Blue Thunder), was much in favor with the beautiful Shalola; as were others of the young braves who came often to the cabin of the Big Chief Santouchee, but San-ta-ca-loo-gee desired much more than all the others to win the beautiful maiden. He was eager to undertake any perilous task to find the home of the terrible monster. So, he called together all the young braves, and told them that the forests would have to be removed from the tops of the mountains before they could see to chase the child-eating demon. This, after much hard labor, was accomplished, as was told in the preceding legend, but it was only by the aid of the Great Spirit that the monster and its young were slain. However, Santouchee gave San-ta-ca-loo-gee the credit for the idea of removing the forests, so that no other awful thing should ever hide among them.



As the blood of the Evil Thing had been spilled on Standing Indian, it is now covered with evergreen in place of the great forests. In spring time these evergreen bushes burst forth into large, lovely clusters of flowers, with a purplish, red hue, resembling blood—a symbol that the blood of no other child-devouring monster will ever again have to be spilled. This “purple promise” is scattered over many of the Carolina Mountains, always high up, as near the sky as things can grow, to remind us of the Great Spirit above who never breaks a promise.

When the time of prayer and thanksgiving had passed, after the death of the Flying Terror, Chief San-tou-chee called all of his tribes together for the wedding of his daughter and San-ta-ca-loo-gee. Shalola wanted to leave the high mountain of bloodshed and the den of the monster for her wedding. So, she chose the high mountain crest in sight, just across the ridges and valleys, Wayah, or the mountain of the Wolf. Accordingly there they gathered, young and old, till the mountain top was covered with the happy dusky faces of those who had come to attend the wedding.

Shalola was dressed in the finest and softest coat of fawn skin, rubbed to velvet texture by the old women. Around the bottom, just touching her knees, was a fringe of rabbit tails. On her arms were gleaming bracelets of wolf fangs. In her hair was a wreath of Indian Paint Brush, showing scarlet above her bright, black eyes. In her hand she held a tiny white flower that had thrown its fragrance in her path as she crossed the tossing stream of Wayah Creek on the way up the mountain. She had stopped and searched for the sweet flower with its heavenly fragrance, until she found it hidden amidst its own close leaves, nodding at its own reflection in the crystal waters of the mountain stream. Its delicate odor whispered to her of sweet joys ahead—the love of a brave husband and dusky papooses in her arms.

As soon as Shalola could slip away after the wedding feast, she took a deer thong from her soft moccasin and tied to a small huckleberry bush her little cluster of white, slender blooms, with a delicate line of red marking the long petals, and said: “Come sun and come rain; warm and wet this little flower till the seeds hidden deep in its heart shall ripen. Then come, gentle south wind, and scatter the tiny seeds over this mountain top to spread sweet-

ness and beauty forever." And so it is said by the Indians that at every June-time, the wishes of the Indian bride are carried out by the indescribable fragrance of the white azalea to celebrate the marriage of Shalola, the lovely Indian maid, and San-ta-ca-loo-gee, the fine Indian brave. (From Cherokee Indian Lore," by Margaret R. Siler.)

### THE LEGEND OF CATEECHEE, AND ISAQUEENA FALLS.

Keowee Town was one of the so-called "Mother towns" of the Cherokees. It means in the Cherokee vernacular "the place of the Mulberry."

The village of Keowee was visited by DeSoto in 1539. The Spaniards described it as the poorest country for corn, but it is now thought that the Indians concealed from them their true supply, for that section in South Carolina has ever been a great corn country. This town extended from one mile above Sugar Town on the Cullasaja (eight or ten miles in length) to Seneca, a town built and occupied by a small tribe of Seneca Indians, with the permission of the Cherokees.

Bertram, the great botanist, wrote of Keowee: "Keowee is the most charming situation, and advantageous heights are formed so as to be impregnable, a fertile valley which at this season is enameled with the fragrant strawberries, through which a beautiful river meanders, surrounded by misty blue hills."

Bertram here had reference to the Blue Ridge Mountains, which the Indians called Sah-ka-na-ga, "The Great Blue Hills of God."

Fort Prince George was situated just opposite the village of Keowee, and it is now appropriately marked by a branch of the South Carolina D. A. R.

It was from Keowee that Cateechee, the Creek maiden who had been sold to the Cherokees, made her famous ride to Ninety-Six to warn settlers of an impending raid against them.

I have the legend of Cateechee from four different sources. Several years ago a man by the name of Brown from Ninety-Six, South Carolina, was indicted in the Superior Court of Jackson County for manslaughter, and I represented him in the trial that followed. He brought with him for character witnesses six or eight fine men and women from Ninety-Six. They first told me the legend of Cateechee and the origin of the name of their town. Learning of

my wishes for a written record of the legend of Cateechee, a lawyer friend of mine at Greenville, South Sarolina, advertised in one of the daily papers there, and shortly thereafter I received three written versions of the legend.

A Mrs. Norton, of Seneca, South Carolina, sent me a little book entitled "Historic Oconee", which contains one version of the legend, written by Mary Cherry Doyle of that city; my lawyer friend sent me another version written by Mrs. E. P. Wilson, of Easley, South Carolina, and another lawyer friend, of Greenville, sent me a third copy, written by Mr. John S. Taylor of that city, who at that time was President of the Historical Society of Upper South Carolina. From these four versions I have selected that which appeals to me most strongly, and have sought to combine them in one story.

Cateechee was a Creek maiden, beautiful beyond description, who had been sold by a Creek tribe to a Cherokee Chief who resided at Keowee Town, situated twelve or fifteen miles above the present site of Clemson College, an institution built around the old mansion of John C. Calhoun, in Oconee County, South Carolina.

The Creek name of this Indian girl was Isaqueena, which means, in both the Creek and Cherokee languages, "Deer Head."

No animal was more loved and admired by the Indians than the deer, its grace and beauty, as well as its fleetness of foot, appealing greatly to their imaginative souls; and no name more charming could have been borne by a beautiful Indian girl than Deer Head!

The events upon which this legend is in part based, occurred shortly after the establishment of the Fort, or settlement of Cambridge, in what is now Greenwood County, South Carolina.

The settlement at Cambridge was founded about 1730, and the events recorded in this legend occurred between that date and 1750.

At Cambridge lived an English trader by the name of Allen Francis who was also a silver-smith, and who, plying his trade among the Indians at Keowee town, met and loved the beautiful Cateechee. Before she met Allen Francis, Cateechee had known only the love of Indian warriors, but she yearned for love more tender and refined than any of her race could give her, and so, falling in love with Allen Francis, she thanked the Great Spirit for sending him to her.

One night, a little later on, Cateechee overheard the plans and schemes of the head men and chiefs of the Cherokee Nation, to



make an attack on the settlers at Cambridge, which is now known as Ninety-Six. She realized that the life of her sweetheart, Allen Francis, was in grave danger; and at midnight's silent hour, she mounted a half-wild pony, and pushing it to its utmost speed, she rode without pause to Cambridge, a distance of ninety-six miles. Upon her arrival her pony fell dead, but she was in time to warn the settlers of the approaching danger, and they were enabled to fortify the town and to make all necessary preparations to repulse the attack which soon followed.

Cateechee remained at Cambridge and she and Allen Francis were soon married. The Indians, too, remained. For weeks they lurked around the settlement, vowing that they would kill both Cateechee and her husband. Finally, Allen and Cateechee slipped away through the woods, and later made their home on what is now "Stump House Mountain", just above Walhalla, which in the Cherokee vernacular means, "The Garden of the Gods." There Francis felled four trees with his axe, and upon their stumps built a crude, but comfortable cabin for his bride. From that day to this the mountain just above Walhalla has been called The Stump House Mountain.

Here Francis and Cateechee lived in safety for a time. A child was born to them, and from the bounty of the streams and forest they had ample provision for their simple wants. But after a while the head men of Keowee town, learning of their presence within the domain of the Nation, gathered a body of warriors together and went to take them. Allen Francis was hunting in the forest, and Cateechee, with her child upon her back, fastened in his little blanket, was engaged in her household duties. Hearing the shrill whoop of the warriors as they caught sight of her little home, she ran to the falls of the river near her door, and leaping from their crest, was apparently lost on the rocks in the seething whirlpool below. Her pursuers approached the falls, looked down into the mist and spray, and feeling a certain awe in the presence of the water spirits, of which the Indians were always afraid, withdrew, certain that Cateechee and her babe had met their fate. In reality Cateechee had jumped only a distance of some six to ten feet, and, alighting safely on a projecting ledge, she withdrew behind the veil of overpouring water, and safely waited the departure of her cruel foes. Here the several versions of the legend diverge. According to one version, Cateechee took her husband and baby boy to her people

in Alabama, where her son became a noted silver-smith and was afterwards Secretary to Sir Alexander Gillivray; another version takes them to the Creek Indians in Alabama, where they lived a while, and then returned to their old home in South Carolina; while still another version says that they never did leave the Stump House Mountain, but reared a family there, and that their descendants still live in Oconee County.

It is said that, on the night of Cateechee's famous ride, when she had traveled the distance of one mile from Keowee Town, she crossed a creek which she named One Mile Creek; that the next creek she crossed she estimated to be a distance of six miles from the first, and she called that "Six Mile Creek"; the next she called "Twelve Mile Creke", the next "Eighteen Mile Creek"; the next "Three and Twenty", and so on to "Ninety-Six", where Cambridge was situated. By actual measurement it has been ascertained that Cateechee's estimate between the several creeks thus named was fairly accurate, and the creeks and rivers are so known to this day. Immediately following the victory over the Indians at Cambridge, the name of the settlement was changed to Ninety-Six, and, ever since, that has been its corporate name.

Stump House Mountain and the origin of its name have already been mentioned, and the falls on the Crane River, over which Cateechee made her daring leap, through all the years has been known as "Isaqueena Falls." Everywhere in Northwestern South Carolina you hear the legend of Cateechee and Isaqueena Falls, handed down by the Cherokee Indians, a legend founded largely on historical fact.

Massachusetts boasts of the midnight ride of Paul Revere; North Carolina boasts of the perilous ride of Captain James Jack who carried the Mecklenburg Declaration of Independence through Tory country to the Philadelphia Congress; but South Carolina boasts, with equal pride, of the night ride of Cateechee.

### THE LEGEND OF JOCASSEE AND NAGOOCHEE.

The beautiful valley of Jocassee is drained by the eastern tributaries of Keowee River, known as White Water, which rises on top of the Blue Ridge, just above Cashiers Valley in Jackson County. This valley is surrounded by rugged mountains, with the foaming river flowing between, and is one of the most beautiful spots in upper South Carolina.

Here lived the Great Chief, Atta-kulla-kulla, and his comely daughter, Jocassee. The Oconees, or the Brown Vipers, lived on the west tributary of Keowee River, and the Little Eastatoees, or the Green Birds, lived on the east tributary, or White Water.

A bitter difference existed between these two tribes because Chatuga, Chief of the larger tribe of the Oconee, had been defeated by Toxaway, Chief of the Eastatoees.

There was a young warrior, a mighty hunter of the Eastatoees, who, despite the tribal hatred, was not afraid to venture into the hunting grounds of the Oconees. One day while pursuing an unusually swift stag, his foot slipped, causing him to fall and break his leg. Nagoochee gave himself up for lost, when he heard a maiden singing in tones of singular sweetness, and then suddenly almost stumbled upon him. Her heart melted at sight of the suffering of the handsome warrior. "Who are you?" she timidly inquired. "Look", said the young warrior, throwing back the bear skin that covered his bosom: "Look, girl of Oconee, 'tis the totem of a Chief." The Green Bird (Carolina Paroquet) stamped on his breast proclaimed him a warrior of the Eastatoees, and therefore, her enemy.

Jocassee left him, but soon returned with assistance; and on an improvised stretcher he was conveyed to her father's lodge. The old chief was kind and Jocassee nursed Nagoochee tenderly, but was always fearful of the return of her brother Cheochee, who bitterly hated the Eastatoees.

Nagoochee recovered, but was loathe to return to his tribe, for he was held by a stronger chain, his love for Jocassee.

It was at the time of the New Moon, and in a little grove beside the river, that Nagoochee handed Jocassee a wand which she broke in two; and Nagoochee seized a torch which Jocassee carried, threw it into the river; and thus, after the forest ceremony of the Cherokees, they became engaged to marry.

One evening, the Estatoees were celebrating the return of Nagoochee, and also their success in killing more wolves than the Oconees, although the latter was much the larger tribe. Nagoochee was proclaimed the victor of the hunt, and thereupon Nagoochee took Jocassee by the hand and led her into the presence of Chief Maytoy, of the Oconees, and claimed her to fill the lodge of an Estatoee hunter. Jocassee's brother was so furios that he snatched her from Nagoochee, who was forced to flee for his life. Others



joined in, and an Estatoee brave fought with Nagoochee and was mortally wounded by him, and while the Estatoee brave held on to Nagoochee in his death struggle, Jocassee's brother came upon Nagoochee and killed him. When her brother returned to the camp with the head of her lover hanging from his belt, the heart of Jocassee died within her. Not a word did she speak, but she glided into a canoe, and when she reached the middle of the stream, with her eyes still on her lover's face, she slipped from the boat into the water. She did not rise. The maidens of the Cherokees contend, however, that she did not sink, but walking upon the water she joined Nagoochee who was beckoning to her from the farther shore. The beautiful little valley above described still goes by the name of Jocassee, "The Place of the Lost One." (See Historic Oconee, 15-16.)

### THE LEGEND OF THE FAIRY STONES.

In a quiet sunny glade, nestling among the rugged foothills of the Blue Ridge Mountains, in Patrick County, Virginia, a section made famous by the fact that old King Powhatan once held undisputed possession there, was discovered the single quarry of the far-famed Virginia "Fairy" or "Lucky" Stones.

The Mineralogical name of the stone is Stanrolite, which is an iron-aluminum silicate, found at no other place in the world. These little crosses, which range in size from a half inch to one and a half inches, bear in unique fashion the shape of a cross, one side of which is always perfect, and often both sides, a marvel formed by nature's own hand. Many of these crosses are of the St. Andrews variety, and others Roman, while those most sought after are the Maltese.

In that weird spot, the only known place in the world where these little gems are to be found the Fairies flourished and had their workshop many centuries ago. This, it may be said by some, was a rather strange place for Titania, the Fairy Queen of Grecian theogony, to bring her Fairies.

As to the real origin of these little crosses of stone, comparatively nothing is known; even the leading scientists of the country have failed to throw any satisfactory light on the subject; but in that remote mountain section there is a beautiful legend to the effect that hundreds of years before King Powhatan came into power, long before the woods breathed the gentle spirit of the lovely Pocahontas, the fairies were dancing around a spring of limpid

water, playing with the naiads and wood nymphs, when an elfin messenger arrived from a strange city far, far away in the land of the Dawn, bearing the sad tidings of the death of Christ; and when the fairies heard the tragic story of the crucifixion, they wept. As their tears fell upon the earth they were crystallized into little pebbles, and on each pebble was formed a beautiful cross.

When the fairies disappeared from this enchanted spot, the ground about the spring and the adjacent valley were strewn with these unique mementoes of the death of the Savior.

Not even in the Old World, with its quaint and curious lore, is a more beautiful legend to be found, which is said to have been handed down by the Indians; and for more than a century, thousands of people have held these little crosses of stone in more or less superstitious appreciation, firm in the belief that they will protect the wearer against witchcraft, sickness, accidents, and disasters of every kind. Every stone is in the shape of a cross, and millions of people are now wearing them in various forms of jewelry.

It is well known that Ex-President Theodore Roosevelt, and Ex-President Woodrow Wilson, as well as some of the crowned heads of Europe, and many prominent officers and men in the World War, and numerous others, have carried one or more of these "Lucky Stones" tucked snugly away somewhere about their persons.

I have had made into a stick pin one of these crosses, which was given to me by Mr. Taylor, Clerk of the Circuit Court of Patrick County, Virginia. I also have a watch-charm made of a cross, which was presented to me by a lawyer friend, Mr. Dallas C. Kirby, of Danbury, North Carolina. Whether they will bring me luck, I do not know.

"Yes, give me the land of legend and lays,  
That tell of the memories of long-vanished days;  
Yes, give me a land that hath story and song,  
Enshrining the strife of the right with the wrong."

## CHAPTER XX.

### ANDREW JACKSON WAS A CAROLINA MOUNTAINEER.

*"Our Union! By the Eternal it must and shall be preserved!"*

(Jackson's toast at Calhoun's banquet. JAMES, 539-40.)

History accredits Homer with seven birth places. Fifteen different places have been pointed out as the birth place of Abraham Linclon. Henry W. Grady had but two birth places in all, one at Murphy, North Carolina, and the other at Athens, Georgia. Andrew Jackson, the subject of this Chapter, according to the various contentions, was born at nine different places all at the same time!

There was one claim that he was born in Ireland; another that he was born in England; another that he was born on the ship that brought his father's family to America. It has been also contended by others that he was born in York County, Pennsylvania, Augusta County, Virginia, and Berkley County, Virginia, which is now West Virginia. (See Marquis James' *Life of Jackson*, page 791.)

All historians now agree that there is no evidence to support any of these claims and they likewise agree that he was born either in what is now Union County (formerly Mecklenburg) in North Carolina, or in the Lancaster District (now Lancaster County), South Carolina. The historians also unanimously agree that he was born in the Waxhaw settlement or on Waxhaw Creek; but both the Creek and settlement of that name extended over the line into both States.

The controversy, which has persisted since Jackson's victory at New Orleans, will probably never be settled by any agreement of the two contending States. So far as I know, I have read and studied all the proof that has ever been brought to light on the subject. The legally competent evidence—the evidence that comes not only within the rules of law, but within the definition of history—by its over-



whelming greater weight, will convince any unbiased mind that North Carolina furnished the birth place of the seventh President of the United States.

The issue is narrowed down to the simple question as to whether the general and president was born in the George McKemey (usually spelled McCamie) house, which stood by actual measurement four hundred and seven yards on the North Carolina side of the State line, or in the James Crawford house, which stood two and one half miles from the McCamie house on the South Carolina side of the State line.

George McCamie and James Crawford married sisters, and the president's mother was the sister of these two women; and there was another sister by the name of Mrs. Sarah Leslie, whose connection with the occasion of Andrew Jackson's birth constitutes unanswerable evidence as to the latter's birth place, as will hereafter appear.

In Colonial days a dispute had existed as to the exact location of the line between North and South Carolina, and the line was not finally established until 1771-72. Before it was established, however, it was thought that the James Crawford place was in North Carolina. He and many others held grants from North Carolina for their lands, which were really situated in South Carolina; and after the line was definitely established, these people cleared their titles by procuring grants from South Carolina.

Now, what is the evidence supporting the South Carolina claim that Jackson was born within the borders of that State?

After my careful perusal of several of the Jackson biographies, which purport to collect all the evidence, and after my two visits to both the North Carolina and South Carolina alleged sites, the following seems to me to be the whole of the evidence relating to the South Carolina claim:

It is said that, shortly after the Battle of New Orleans, there was considerable discussion in Charleston as to Jackson's birth place. Colonel William Richardson Davie was appealed to and he asserted: "He is a native of Lancaster District (now Lancaster County) in this State." Colonel Davie said he had known Jackson from childhood.

In 1815, the Legislature of South Carolina passed a resolution thanking Jackson for his victory at New Orleans, and on February

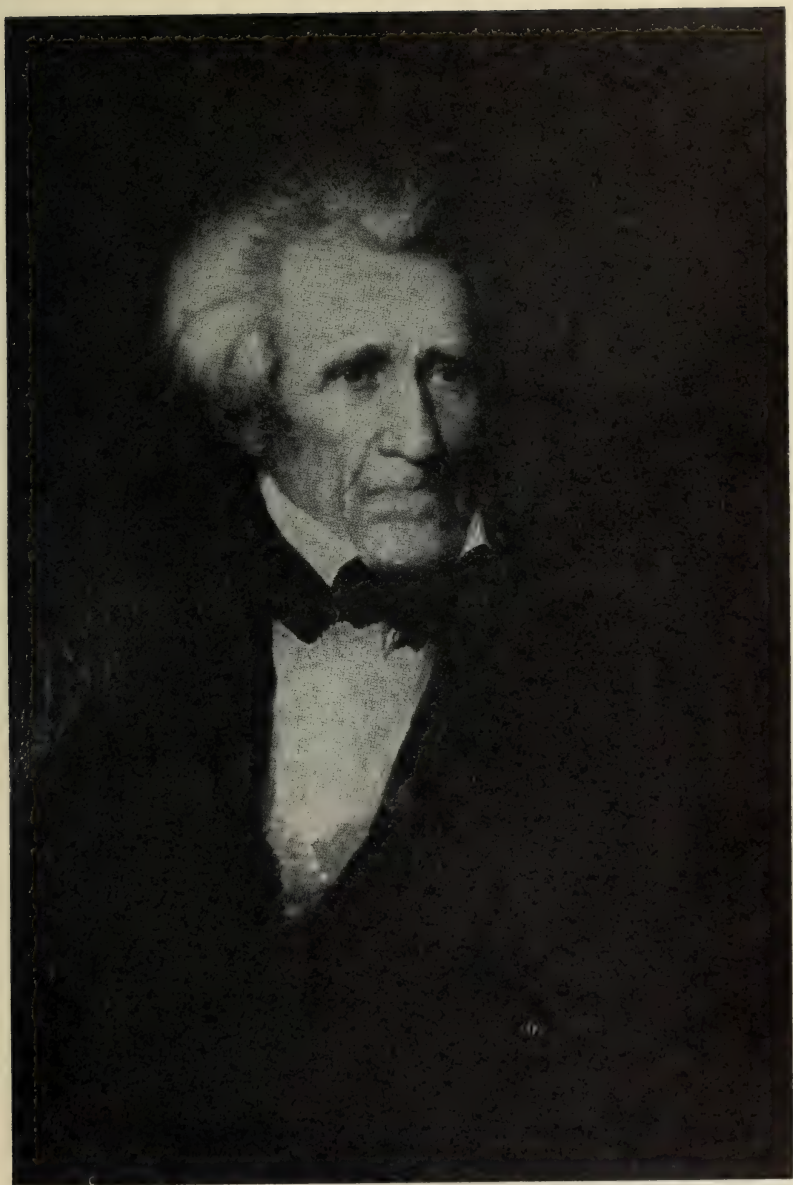
9, 1816, Jackson wrote a letter to Governor Williams expressing his appreciation for the above resolution and referring to South Carolina as "that State which gave me birth."

In 1817 Read and Eaton published their *Life of Jackson*, and Jackson himself confirmed their statement that his birth place was "about forty-five miles above Camden."

In 1825 South Carolina published a map of the Lancaster District, which contains a star designating the site of the James Crawford house, with the statement on the map: "Gen. A. Jackson's birth place." In 1824, Jackson, in answer to an inquiry of James H. Witherspoon, a leading man of the Lancaster District, said: "I was born in So. Carolina, as I have been told, at the plantation whereon James Crawford lived, about one mile from the Carolina road (crossing) of the Waxhaw Creek." (See James's "Andrew Jackson", pages 791-796.) On the monument erected by the Catawba Chapter D. A. R., Rock Hill, South Carolina, the above-quoted words are chiseled, with the added statement that "Jackson said in his last will and testament that he was a native of South Carolina." I copied these words in my own hand from the monument itself, when I visited the spot a second time a few weeks ago. I have learned from several authorities that Jackson's last will declares that he was a native of South Carolina. At the close of his proclamation to the Nullifiers of South Carolina, Jackson said: "Fellow citizens of my *native* State. (See *Patron's Life of Andrew Jackson*, Volume I, page 52.)

The foregoing is all the evidence that I have been able to find from any source that supports South Carolina's claim that Jackson was born within her borders. The trouble with the evidence offered by South Carolina is that it does not prove anything. Evidence is worth *nothing* if it does not prove *something*.

Evidence may be *competent*, and therefore *admissible*, but it does not amount to *proof* unless it is *material* and logically *relevant*. It is true that Jackson assumed that he was born in South Carolina, but assumption and supposition have no probative value. It is true that Jackson wrote James H. Witherspoon that "I was born in So. Carolina, as I have been told, at the plantation whereon James Crawford lived, about one mile from the Carolina road (crossing) of the Waxhaw Creek." But he does not say who told him that he was born there, and, therefore, there is always the possibility that



ANDREW JACKSON





NANCY HANKS CABIN NEAR BELMONT, N. C.

he was told by some person who *did not know* where he was born; and this possible inference becomes a probably inference when relevant evidence to the contrary is offered.

Jackson's reference to South Carolina in his letter of thanks to Governor Williams, February 9, 1816, quoted above as "that State which gave me birth"; the statement in his last will and testament; and his statement to Read and Eaton that his birth place was "about forty-five miles above Camden"—are all in the same category. Jackson could not *know* where he was born except by what he had been told by others; and, in view of his failure in each of the quoted statements to give the source of his information, or to name his informant, his statements are not relevant and, therefore, do not prove anything. The same may be said of the assertion of Colonel William Richardson Davie. Jackson could have been born "about forty-five miles above Camden", at either the George McCamie home or the James Crawford place, as they are situated east and west of each other on opposite sides of Waxhaw Creek, and either place would be approximately the same distance above Camden.

But South Carolina herself has raised a reasonable doubt with respect to her contention, for the reason that, until after the North Carolina D. A. R. had erected a monument on the site of the house of George McCamie on the North Carolina side of the line, South Carolina had contended for years that Jackson's birth place was at Camden instead of at the James Crawford place in the Waxhaws. As evidence of that contention, a marker carrying that assertion was maintained at Camden for many years. (See letter of Majel Ivey Seay, of Spartanburg, South Carolina, in *State Magazine*, issue of August 19, 1939, at page 32.)

So the South Carolina contention must fail because there is no relevant evidence to support it, relevant evidence being such evidence as is so connected with or related to the main fact sought to be proved that it will lead an unprejudiced or unbiased mind to infer or to conclude that such main fact is true.

The North Carolina testimony, on the other hand, comes clearly within the rules of evidence, as these rules are applied and enforced in our Courts of Justice.

Parton in his three volume life of Andrew Jackson, tells us that his father, Andrew Jackson, Sr., with his wife and two sons, Hugh and Robert, with others, emigrated from the North of Ireland and came to the Waxhaw settlement, where he bought two hundred

acres of land, on which he built a cabin and started to clear a farm. This farm was located on what is known as Little Waxhaw Creek, about nine miles west of Monroe, the County seat of Union County, but which at the time Jackson, Senior, settled there was in Mecklenburg County.

A few weeks ago the old cabin site and the spring were pointed out to me by an old gentleman by the name of Howey, who owns and lives on half of the original two-hundred-acre tract. He remembers that as a young man he saw the old decaying logs that once formed the cabin itself. James Crawford, hereinabove mentioned, who was the brother-in-law of the elder Jackson, came from Ireland with him. There were six sisters in Ireland by the name of Huchison, who married as follows: Margaret married George McKemey, or McCamie, who settled on Waxhaw Creek in North Carolina; Mary married John Leslie and settled on Camp Creek, South Carolina; Sarah married Samuel Leslie and settled on Waxhaw Creek in North Carolina; Jane married James Crawford, who settled on Waxhaw Creek in South Carolina; Elizabeth married Andrew Jackson, Sr., the father of the future president, who settled on Little Twelve Mile Creek in North Carolina; and Grace married James Crow, who settled near Landsford, South Carolina. Andrew Jackson, Sr., lived on his place from one to two years, and died in the early part of the year 1767, before Andrew Jackson, Jr., was born. This tract of land is about ten miles on the North Carolina side of the State line. There is a tradition, which has been handed down through each generation in the Waxhaw community, that, as they were transporting the corpse of Andrew Jackson, Sr., to the old Waxhaw cemetery for burial (five or six miles over on the South Carolina side), they found that Waxhaw Creek was so swollen on account of recent heavy snows they could not take the corpse across at the regular ford because it was being transported on a sled; so those conveying the sled went up the creek several miles to find a shallow ford. On account of this delay they did not reach the cemetery until after dark, when, to their amazement, they discovered that the corpse had fallen off the sled and was lost! Being unable to find it that night, the burial had to be postponed until the following day. After the funeral, arrangements were made for Mrs. Jackson and her two sons, Hugh and Robert, to live with her brother-in-law and sister, Mr. and Mrs. James Crawford, who as before stated, had settled on the South Carolina side of the State



line. On their way they stopped to visit Mrs. Jackson's brother-in-law and sister, Mr. and Mrs. George McCamie, on the North Carolina side of the line. While there Mrs. Jackson became ill, and on March 15, 1767, gave birth to Andrew Jackson, Jr., the future president of the United States.

When Andrew was about three weeks of age (some of the witnesses say six weeks), the family went over to the James Crawford place, where they lived until the latter part of the Revolutionary War.

I here present the evidence which supports the foregoing. In 1858, Samuel H. Walkup, a prominent lawyer of Monroe, North Carolina, who was Colonel of the 48th North Carolina Regiment in the War between the States, and afterwards Clerk of the Superior Court in Union County, procured the affidavits of a large number of people living on the Waxhaws on both sides of the State line, which prove beyond question that Jackson was born at the George McCamie house on the North Carolina side of the line. I quote the substance of these affidavits.

On August 5, 1845, the year of Jackson's death, Benjamin Massey signed a statement, which seems not to have been sworn to until September 7, 1858, in which he asserts that Mrs. Sarah Latham, first cousin of Andrew Jackson, told him in 1822 that when Jackson's father died his widow, with her two sons, came to the home of George McCamie in North Carolina, and while there Andrew Jackson was born in that house, and that she was present at his birth; that shortly thereafter Mrs. Jackson, with her three children, went across the line to live at the home of James Crawford. On August 22, 1845, John Carn testified that Mrs. Sarah Lesley, the mother of the last witness, told him that she was present when Jackson was born at the house of George McCamie in North Carolina, and that soon after his birth they moved over to James Crawford's place in South Carolina. On August 26, 1858, James Faulkner testified that he was the grand-son of Sarah Leslie, who was first cousin of Jackson, and that he had often heard his cousin, Mrs. Sarah Latham say that she went with her mother, Mrs. Sarah Leslie, to the home of George McCamie, and was present there when Jackson was born; and that the Jacksons, a little later on, went to South Carolina to live with James Crawford. John Latham testified on August 30, 1858, that he was the son of Mrs. Sarah Latham, and the grand-son of Mrs. Sarah Leslie; that he had heard

his mother say on different occasions that her mother, Mrs. Sarah Leslie, was a midwife, and that she went with her mother to the home of George McCamie in North Carolina on the night Jackson was born, and was present at his birth; and that shortly following his birth Mrs. Jackson and children went to live with James Crawford, in South Carolina. On August 31, 1858, this same John Latham made an additional affidavit in which he stated that he had heard his grandmother, Mrs. Sarah Leslie, say that she was present at the birth of Andrew Jackson at the home of George McCamie, in North Carolina. Mr. Walkup also procured separate affidavits from Mrs. Elizabeth McWhorter and her son George, and Mrs. Mary Causer, who state that they were near neighbors, and were present on the night of the birth of General Jackson, or were there on the next day, and that he was born in the George McCamie house in North Carolina. To the same effect are the affidavits of Agnes Latham, Thomas Faulkner, Samuel McWhorter, Jane Wilson, John Porter, Thomas Cureton, W. J. Cureton, and Thomas Winchester, Sr. All these witnesses were old people at the time Mr. Walkup procured their affidavits, their ages ranging all the way from sixty to ninety years, and Mr. Walkup proves them to be people of most excellent character.

Mr. Walkup had these affidavits published at the time in the Wadesboro Argus. In 1891 Judge R. B. Redwine of Monroe had them published in the University Magazine, and later they were published in two Charlotte papers, and also the Lancaster Ledger. It is said that no attempt was made to controvert the truth of the affidavits.

Just prior to the publication of his three volume Life of Andrew Jackson, James Parton visited the Waxhaw country. Mr. Walkup furnished him these affidavits, and Parton includes a few of them in Volume One of his work (see pages 53-57); but all the affidavits have never heretofore been published in any book. Parton says that he interviewed several of the witnesses himself, and was convinced of the truth of their statements. Mr. Parton adds this testimony at page 55 of Volume One: "James D. Craig, formerly a resident of Waxhaw, now of the State of Mississippi, states that he remembers hearing old James Faulkner say that once while sleeping with Andrew Jackson at the McKemey house, Andrew told him that he was born in that house. Mr. Craig further says that he has heard Mrs. Causer, a very aged lady, long a neighbor of McKemey,

say that she remembered perfectly the night of Andrew Jackson's birth, as she was sent for to assist, and reached the McKemey house before the infant was dressed. Mr. Craig also heard Charles Findly, deceased, say that he assisted in hauling the corpse of Andrew Jackson (Sr.) from his house on Twelve Mile Creek to the Waxhaw church-yard, and interring it there; that he brought Mrs. Jackson and her boys with the corpse, and, after the funeral, conveyed them to the residence of George McKemey, where, soon after, Andrew was born." Mr. Parton then adds the following: "This testimony leaves no reasonable doubt that the birth took place at the house of McKemey. Nor is there the least difficulty in finding the precise spot where the house stood. The spot is as well known to the people of the neighborhood as the City Hall is to the inhabitants of New York . . . . In a large field, near the edge of a wide, shallow ravine, on the plantation of Mr. W. J. Cureton, there is to be seen a great clump, or natural summer house, of Catawba grape vines. Some remains of old fruit trees nearby, and a spring a little way down the ravine, indicate that a human habitation once stood near this spot. It is a still and solitary place, away from the road, in a red, level region, where the young pines are in haste to cover the well-worn cotton fields, and man seems half inclined to *let* them do it, and move to Texas. Upon looking under the masses of grape vine, a heap of large stones showing traces of fire is discovered. These stones once formed the chimney and fire place of the log house wherein George McKemey lived and Andrew Jackson was born."

I will here say that when the North Carolina D. A. R. erected a monument to mark Jackson's birth place, they used for its foundation the stones which Parton describes above, and, on the identical spot where the stones were lying, they placed a granite boulder seven feet high above the foundations.

On the face of this rugged granite boulder is carved the replica of a frontier log-cabin, together with the inscription: "Here was born March 15, 1767, Andrew Jackson, Seventh President of the United States."

On the South Carolina monument, not three miles away, there is this inscription: "This stone stands upon the plantation whereon James Crawford lived *near* the site of the dwelling house according to the Mills map of 1820."



I was at this place only a few weeks ago, and there is not a stone, or a grape vine, or a fruit tree, or anything else to indicate that a dwelling ever stood in that immediate neighborhood. Marquis James in his "Andrew Jackson" inclines to the opinion that Jackson was born in the Crawford house in South Carolina, because Jackson said he was told he was born there and because he believed it. I will show later that these statements of Jackson do not constitute either history or legal evidence. But Mr. Parton visited the Waxhaw community on both sides of the State line, and talked with many of the witnesses whose affidavits had been furnished him by Mr. Walkup back in 1858, and the evidence convinced him "beyond all reasonable doubt" that North Carolina was Jackson's birth place. So when he comes to dedicate his book he does it in these words: "To North Carolina and Tennessee, Mother and Daughter. One gave Jackson Birth. The Other Opportunity."

I have at other places in these pages had occasion to quote Ridpath's definition of history and tradition, and I quote it here in order to show the weight that must be given to the evidence supporting North Carolina's claim to Jackson's birth place, and the lack of probative value in the evidence by which South Carolina seeks to establish her claim.

In Volume I at page 131 of his great twelve Volume work, "With the World's People", he thus defines History and Tradition: We must first remember constantly the difference between history and tradition. The first rests, however remote the subject-matter may be, on the testimony of witnesses contemporary with the facts described; the latter reposes on the testimony of those who were removed in time and place, or both, from the circumstances and events constituting the subject-matter of the story. History transcribes directly from the eye witness, the ear-witness of the event, or from manuscripts and sculptures made by them; while tradition repeats a narrative which has been transmitted from tongue to tongue, transformed through all the uncertainties of memory and speech, and delivered to the fixedness of literary form only after the lapse of generations." But Mr. Ridpath at page 51 of the same Volume, has this further to say with respect to the value of tradition: "If a great period of time has elapsed between the one and the other—(that is, between the date of the subject-matter of the story and the date of reducing it to writing)—if the tradition here have

been subjected to modifications, exaggerations and reflections to which all stories are subject so long as they dwell on the tongues of men, then, indeed, is tradition of small importance considered as material for history. But if, on the other hand, only a single generation or a fraction of a generation has intervened between the date of the event and the record which preserved the story, then we may allow to the tradition a weight almost equal to that of true historical narrative."

According to these definitions, all of the testimony collected by Mr. Walkup, written and signed by the witnesses in 1858, or thirteen years after Andrew Jackson's death, is genuine history. In fact, Mr. Walkup says that many of these affidavits were made and published in the United States Telegraph in 1828 and in 1832 when Jackson was a candidate for President; and some of them were again published in 1845, the year of Jackson's death. Mr. James makes the same statement. (See page 794 of his "Andrew Jackson".) All the above mentioned evidence obtained by Mr. Walkup was published in the magazine section of the Monroe Journal in October, 1925. The Editor gave me a copy of the paper a short time ago, and I have it before me now.

As I am not writing a biography but only a sketch limited to chapter-length, I must necessarily condense material and restrict details. I will only mention here that Jackson went to school as a boy at Waxhaw; at the age of fifteen saw some actual service in the Revolutionary War, with his two brothers. All of them were captured, and Andrew carried a scar on his face all through his life—the result of a wound inflicted by the sword of a British soldier whose boots he refused to shine. His two brothers died from exposure following an attack of measles. His mother went to Charleston as a nurse for American soldiers who had been wounded in battle. Andrew stayed at Charleston a while; attended school at Charlotte for a short time, taught school in Lancaster County, and at the age of eighteen went to Morganton and sought an arrangement with Waightsill Avery to study law under his instruction. His request was denied because Mr. Avery did not have sufficient room for his accommodation. He then went to Salisbury, spent Christmas of 1784 there, and studied law under Spruce McCay for a period of eighteen months, at the end of which time McCay was appointed to the Superior Court Bench. Andrew then studied for six months under the instruction of Colonel John Stokes, who is said to have

been one of the most brilliant lawyers in North Carolina, then or thereafter.

In the meantime Andrew's uncle, Hugh Jackson, died in Ireland and left him a legacy amounting to three or four hundred pounds sterling. His mother had perfected the title to the two hundred acres of land on Little Twelve Mile Creek, and upon the death of Mrs. Jackson and her two boys, Andrew inherited the land. His deed conveying this tract is dated 1793 (long after Jackson had moved to Nashville, and after his marriage) and is recorded in the Office of the Register of Deeds of Mecklenburg County in Deed Book XX at page 21.

I shall not here relate Jackson's recorded activities during the time he spent in Salisbury, horse-racing, chicken-fighting, etc. Nor shall I spare the space to tell of his escapades with the young ladies of the town, with whom he seems to have been exceedingly popular, according to some of his biographers. I wish rather, here, to correct an erroneous conclusion which has been reached by several people, who have relied upon alleged tradition, instead of upon ascertainable facts of history. The North Carolina State Magazine, in its issue of May 28, 1939, carries a perfect picture of the ruins of the old Courthouse at Rockford in Surry, as I have seen them both before and since the picture appeared. In the accompanying article, which covers a page of the Magazine, it is stated among other things, that "It was in this building that Andrew Jackson, President of the United States, received his license to practice law . . . Andrew Jackson was a student at Salisbury, and it was to Rockford that he went to obtain his license to practice law."

Between the first of July and the middle of December, 1939, I presided at the regular terms of the Superior Court of Forsyth County, at Winston-Salem. While in that city I read two newspaper accounts to the effect that some wealthy gentleman of Winston-Salem or of Greensboro—I do not now recall which place—had purchased the lot at Rockford on which the walls of the old Courthouse still stand, with the view of restoring the building and converting it into a club house, or some place for the entertainment of himself and his friends. These newspaper items related that the main inducement which caused the gentleman to make this purchase, was the historical associations attached to the place, that being the old Courthouse in which Andrew Jackson stood his examination and obtained his license to practice law!



Marquis James, in his "Andrew Jackson", tells us that Andrew Jackson attended the itinerant court at Wadesboro (in Anson County), whereupon on September 26, 1787, Judges Samuel Ashe and John F. Williams, *after examination*, directed that "Andrew Jackson, a person of unblemished moral character and competent knowledge of the law, be admitted to practice in the said several Courts of Pleas and Quarter Sessions with all and singular the privileges and emoluments which appertain to Attorneys." (See page 37.) Mr. James copied the foregoing entry from S. G. Heiskill's "Andrew Jackson and Early Tennessee History", Volume I at page 428. So it appears that, at Wadesboro, September 26, 1787, Jackson stood his examination and obtained his license to practice law. The Clerk at Wadesboro tells me that the record above-quoted was destroyed by fire some years ago, but that he has been told by men who saw it that the record was there as quoted by James. It was a requirement of the law in those days that an attorney be admitted in each County in which he proposed to practice. Accordingly, Jackson followed the Court to Charlotte and on the fourth Monday in October, 1787, the following record was made: "At a County Court of Pleas and Quarter Sessions held for the County of Mecklenburg on the fourth Monday in October, A. D., 1787 . . . . William Cupples, Andrew Jackson, and Alexander McGinty, Esquires, comes into Court and produces a license from the Hon'l. the Judges of the Superior Court of Law and Equity authorizing them to practice as attorney in the several County Courts within this State, and having taken the oath of office, Ordered that they be admitted accordingly." (See Mecklenburg County Court Minutes, 1785-1796, now in possession of North Carolina Historical Commission at Raleigh.)

I next find the following record at Salisbury: "Monday, November 5, 1787, a County Court of Pleas and Quarter Sessions begun and held at Salisbury in and for the County (Rowan), on the first Monday in November, of the year of our Lord one thousand, seven hundred and eighty-seven, and in the XII year of the Independence of said State, before the worshipful Justices of said County . . . . Tuesday November 6, 1787, Court met according to adjournment . . . . Andrew Jackson and William Cuppy, Esquires, qualified and admitted as attorneys."

At Dobson, in Surry County, at page 221 of the old County Court records, I find the following: "At a County Court of Pleas

and Quarter Sessions for the County of Surry at the Courthouse in Richmond, on the second Monday of November, 1787, in the 12th year of American Independence, William Cupples and Andrew Jackson, Esquires, produced a license from the Honorable Samuel Ashe and John Williams, Esquire, two of the Judges of the Superior Court of Law and Equity, authorizing and empowering them to practice as attorneys in the several County Courts of Pleas and Quarter Sessions within this State, with testimonials of their having heretofore taken the necessary oaths, and are admitted to practice in this Court." Richmond was the first County seat of Surry County; I visited the spot a few months ago. It is in the present County of Forsyth, one mile east of Donnahoe Railroad station on the line running from Winston-Salem to North Wilkesboro, and about one and a half miles south of the Stokes County line. A very old colored man pointed out a depression in a field, which he said represented the site of the old Courthouse, some of the logs of which he had seen before the old building was entirely destroyed. I had my picture made at this point and also standing on the foundation stones of the double stone chimney of the old Lister Tavern, which Jackson is said to have left without paying his board bill while attending the above-mentioned term of Court. Several people at Winston-Salem told me six years ago that an old lady living near there, the daughter of the man Lister who operated the Tavern, still has his books containing the item charged against Jackson for board, with the entry, in the same hand-writing but in a different ink, "Paid in full January 8, 1815, by the victory of New Orleans." After Jesse Lister's death his daughter presented the bill to Jackson, while he was President, but he declined to pay it on the ground that he did not owe it, and affirmed that he had stopped at Lister's Tavern on his way to Tennessee and that Lister had said nothing about it to him. (See Bassett's Life of Jackson, page 13.)

The late Joseph L. Seawell, in his very readable book, "Law Tales for Laymen," at page 228, makes the same mistake with respect to the board-bill incident, except that he says it occurred in *Rockford*, in *Stokes County*. And the book recently published by the Federal Works Project, "A Guide to the Old North State", at page 395, likewise erroneously states that the board-bill incident occurred at Rockford.

All of Jackson's biographers that I have read agree that after he

was admitted at Richmond he settled at Martinsville, the County seat of Guilford County, which is now remembered only in the Battle of Guilford Courthouse.

The following appears on the Guilford County Court Minutes, 1781-1788, at page 294, now in possession of the North Carolina Historical Commission at Raleigh: "At a County Court of Pleas and Quarter Sessions begun and held for the County of Guilford on the Third Monday in November, 1787, it being the 20th day . . . . Andrew Jackson produced a Lycence from the Judges of the Superior Court of Law and Equity to practice law and was admitted an attorney of this Court." We next find Jackson at Johnsonville, the first County seat of Randolph County, where the following record was made: "At the December Term, 1787, it being the 11th day of said month, Andrew Jackson, Esquire, produced a license from the Honorable the Judges of the Superior Court of Law and Equity, authorizing him to practice as an attorney in the several County Courts, took the oath prescribed and proceeded to practice in said Courts."

Accordingly at the March Term, 1788, this record was made in Randolph: "On motion of Andrew Jackson, Esq., Attorney for Absolum Tatum, it is ordered that Adam Tate, Esq., Coroner of Rockingham County, be fined fifty lbs. *nisi* for failing to return a writ of *Fieri Facias* against John May, Sheriff of said County, at the instance of Absolum Tatum, and that *Scire Facias* issue accordingly."

John McNairy had been a schoolmate of Jackson at Salisbury, but obtained his license a few months ahead of Jackson. Four Counties had been established in what is now the State of Tennessee while it was still North Carolina territory. Washington County was the first of these Counties, and was established by Chapter 31, Laws of 1777. This County embraced all of the present State of Tennessee. Later on the Counties of Green, Davidson, and Sullivan were established by the North Carolina Legislature. In the spring of 1788 John McNairy was appointed by the North Carolina authorities as Judge of this Western District (called the Mero District) of North Carolina, which included Davidson, Sullivan, Green, and Washington. Being a great friend of Jackson, as well as his former schoolmate, McNairy intimated to Jackson that if he would go with him to Nashville he would appoint him Solicitor of this new District.



Sumner in his "Andrew Jackson", American Statesmen Series, states on page six that Jackson arrived in Tennessee in the Fall of 1789, or the spring of 1790. In this statement Sumner is mistaken, as James, Parton and others say that he arrived at Jonesboro in the Spring of 1788. And Sumner contradicts himself, for on the same page he states that in May, 1788, the Court was sitting at Greeneville, and that both Jackson and McNairy were then and there admitted to practice in that Court. I searched the records at Greeneville in person, but the docket of that year had been misplaced. On the same day, however, I was at Jonesboro, and I procured from the Clerk of the Court there the following: "The worshipful County Court met according to adjournment on the 12th day of May, 1788, and Andrew Jackson, Esquire, came into Court and produced a license as an attorney, with a certificate sufficiently attested of his taking the oaths necessary to said office and was admitted to practice as an attorney in this Court." Basset in his life of Andrew Jackson says that Jackson was appointed Solicitor of McNairy's District in 1789, and that is the year in which he received his first Legislative appointment; and James also says that Jackson received his Legislative appointment in 1789, but was given a temporary appointment as Solicitor by Judge McNairy in November, 1788. With respect to the time when McNairy and Jackson held their first Courts, the records disagree. Minute Book No. 1 in Davidson County says that they held their first Court at Nashville in January, 1789, but the State Records of North Carolina, Volume 22, page 637, disclose that the Court was held in November, 1788, and that Jackson was paid for his services as prosecutor, and that George Gibson was indicted and convicted, with Jackson prosecuting, for breaking and entering the home of William Barr. And yet the Minute Book also contains the following: "January 12, 1789, Andrew Jackson, Esq., produced his license as an attorney at Law, and took the oath required by law." Governor Robert L. Taylor, in a speech delivered at St. Louis, Missouri, on January 8, 1898, eulogizing Andrew Jackson, says that upon coming to Tennessee, he lived in Jonesboro for more than a year and practiced law there. However, we know that he attended the Courts at Jonesboro, as attorney, as Solicitor, as U. S. District Attorney, and as Judge until he finally quit the law altogether.

So, let these discrepancies be what they may, it does appear of record that Jackson continued to hold the office of Solicitor, under

North Carolina authority, until the Congress accepted North Carolina's cession of the territory now embraced within the boundaries of the present State of Tennessee in payment of her part of the Revolutionary War debt. The territory of Tennessee then became a part of the public domain of the United States, and in 1790 William Blount of North Carolina became its Governor. He organized the Washington District in the East and the Mero District in the West and appointed John McNairy Federal Judge and Andrew Jackson United States District Attorney for the Mero District; his appointment to that office being in the following language: "On December 15, 1790, Andrew Jackson was retained during good behavior as the public prosecutor of Mero under the title of Attorney General." He held this office until Tennessee was admitted to Statehood June 1, 1796; and in the meantime in 1792, Governor Blount appointed him Judge Advocate for the Davidson Regiment.

Parton in Volume I of his *Life of Jackson*, at pages 135 and 136 says that: "Two months after his arrival in the Western country we find him (Jackson) attending Court in Sumner County, near the Kentucky border, a day's ride from Nashville. The tattered records of Sumner County contain this entry: "January 12, 1789, Andrew Jackson, Esq., produced his license as an attorney-at-law in Court, and took the oath required by law." In the "North Carolina Guide to the Old North State", quoted above, at page 395, it is stated that Rockford was the County seat of Surry from 1790 until 1850. It is further stated that "Parts of the 16-inch brick walls of the Courthouse erected in the 1790's remain." We do not know just when in the 1790's the Courthouse was built; but even if it had been built in 1790, it clearly appears from the records quoted above that Jackson obtained his license from Judges Samuel Ashe and John F. Williams *after examination* in Wadesboro on September 26, 1787, and that on such license he had been admitted to practice in Mecklenburg, Rowan, Surry, Guilford, Randolph, Jonesboro, Greenville, Nashville, and in Sumner County, the last four Counties being in the present State of Tennessee; and that he had served as a North Carolina Solicitor and U. S. Attorney before Rockford was established as the County seat of Surry. The chances are that Jackson never saw the ground on which the town of Rockford and the old Courthouse were built, unless after leaving the Lister Tavern at Richmond, where he said he stopped

on his way to Tennessee, he may have passed this place while traveling over an old Indian or Buffalo trail.

After Tennessee was admitted to Statehood, June 1, 1796, Jackson was elected in the fall of that year as the lone member of Congress from the State of Tennessee. A year later Blount, one of the Senators from Tennessee, was expelled from the Senate, and Jackson was appointed Senator in his stead. In April, 1798, he resigned from the Senate. In the same year he was appointed "Judge of the Superior Courts" of Tennessee. At that time the Judges of Tennessee, following the practice then prevailing in North Carolina, served not only as *nisi prius* Judges, but in conference, served also as the Appellate or Supreme Court. Jackson held this office until July 1, 1804, at which time the Legislature of Tennessee accepted his resignation. There is no record of any opinion written by Jackson, in his capacity as Appellate Judge, but it is said that on some of the old Court records in the Counties of East Tennessee are to be found notes of his charges to juries in the following language: "Gentlemen, do what is right between these parties. That is what the law means."

He fought and won the Creek War. In January, 1815, the Victory of New Orleans was added to his laurels. In 1819, after he had crushed the Seminoles in Florida, that territory was purchased by the United States, and he was its first Governor for a period of one year. He was defeated for President in 1824, but elected in 1828 and again in 1832.

The foregoing account is a very brief "bird's eye" glance at the origin and career of one of the greatest and most remarkable men ever produced in America. While he was not a native of the Carolina Mountains, he became a Carolina Mountaineer when he was twenty-one years of age. As Solicitor, as United States District Attorney, and as Judge of the Superior Courts of Tennessee he spent many years of his life in the mountain Counties—in a territory that formed the Western Judicial District of North Carolina, until she ceded the territory to the Federal Government. In Jonesboro there is still standing an old building called the "Andrew Jackson Tavern", which is still used as a rooming house, and in it there is one room that is still designated as "Andrew Jackson's Room". It was in this old building that he made his headquarters when he attended the Courts as Solicitor, U. S. Attorney, and Judge; and it was from the portico of this old Tavern that he was

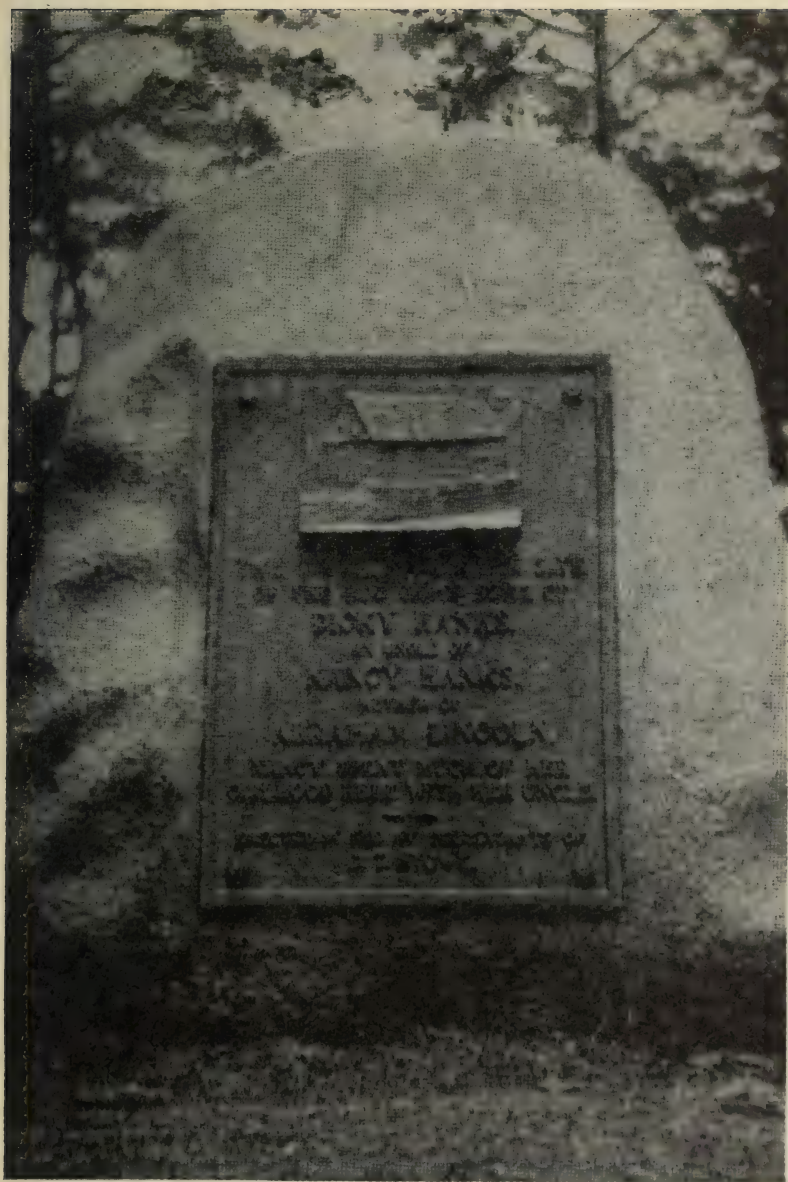


accustomed to review his troops before starting his campaigns against the Indians. It was here, when he was presiding Judge of the Superior Court, that he became the "acting Sheriff" for the purpose of arresting the defiant and contemptuous Russell Bean. There are several versions of this incident, all of which differ more or less, but when I last visited Jonesboro, a year or so ago, I obtained the tradition that had been reduced to writing while the facts were still fresh within the recollection of living men. Bean had made a trip to New Orleans and was gone for more than a year. When he returned to Jonesboro he found his wife with a young baby, and it appeared that, during Bean's absence, his wife had been seduced by a man by the name of Allen. Bean went to his wife's room and ruthlessly cut off both the baby's ears close to its head. A warrant was issued for Bean and John Whitlow was specially appointed and sworn to execute the warrant and after the arrest Bean escaped from the custody of this officer. At the succeeding February Term of the Court, 1802, Jackson directed that another warrant be issued for Bean and ordered the high Sheriff of the County to execute the warrant *instantly*. In a little while the Sheriff came back and reported that Bean was in town but refused to submit to arrest. Thereupon Judge Jackson entered his order declaring Bean to be an outlaw, directed that another warrant at once issue, and that a posse be summoned to assist the Sheriff in making the arrest. As Jackson and the other Judges were on their way to the Tavern for their noon meal, they met the Sheriff and posse who reported that Bean had climbed up in a tree at the back of the Courthouse, and refused to come down and submit to the posse. Judge Jackson then ordered the Sheriff and posse to remain where they were, compelled the Sheriff to summon him (Jackson) *as a posse to make the arrest!* Judge Jackson then went to the foot of the tree with his pistol in his hand, ordered Bean to come down and submit to arrest, which Bean did so rapidly that he almost fell out of the tree. Judge Jackson called the Sheriff and then led Bean to jail and locked him up. Later one of Bean's friends asked him why he submitted to arrest by Jackson alone, when he refused to submit to the Sheriff and his posse, and Bean replied: "Because I saw his eyes!"

On the 15th day of February, 1790, at a Superior Court at Jonesboro, while Jackson was still a North Carolina Solicitor (he not having been appointed U. S. District Attorney until the 15th

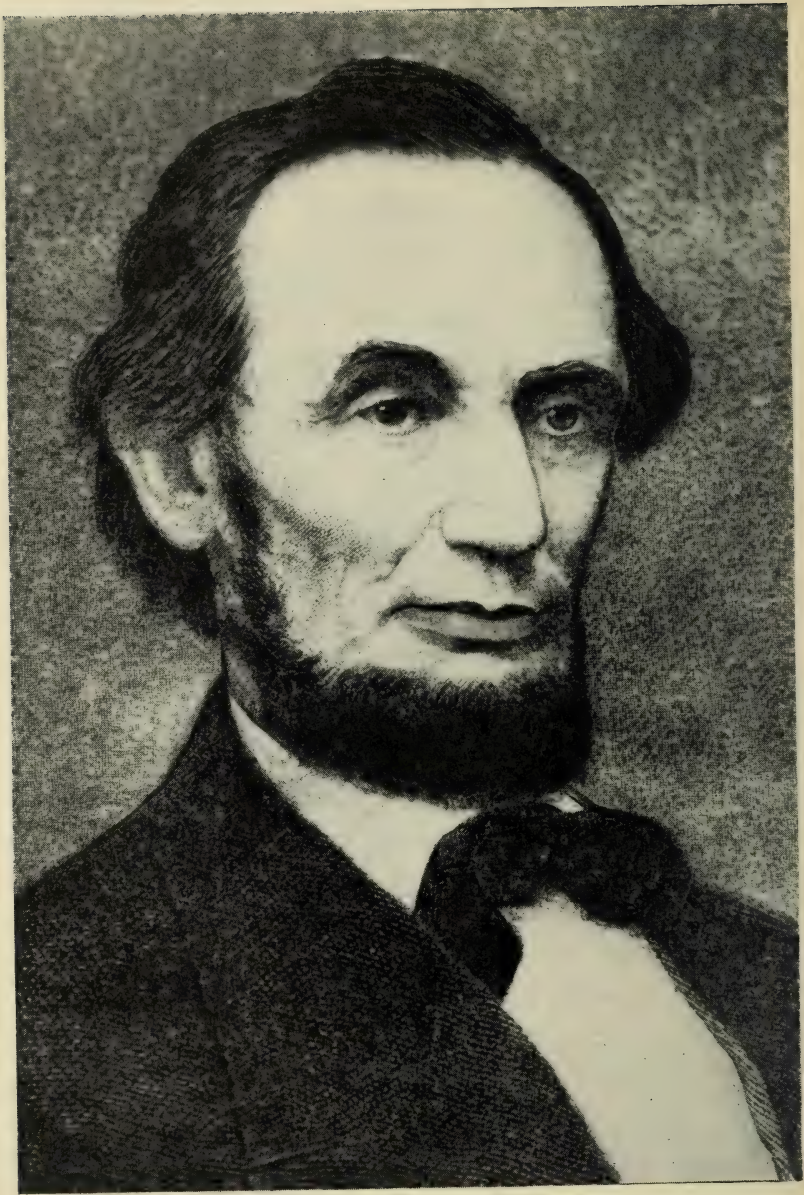
day of December, 1790), a Grand Jury found a true bill against John Wilson and James Fulsom for horse stealing. They were convicted and on the 22nd day of February, 1790, among other things, the Court pronounced the following judgment: "Being called to the Bar and asked what they had to say why sentence agreeable to law should not be passed upon them, say nothing. It is therefore ordered that the said John Wilson and James Fulsom be confined in the public pillory for the space of one hour, that each of them have both their ears nailed to the pillory, and severed from their heads; that they receive at the publick whipping post thirty-nine lashes upon their bare backs, well laid on, and that each of them be branded upon their right cheek with the letter H. and on their left cheek with the letter T. and that the Sheriff of Washington County put this sentence into execution between the hours of twelve and four this afternoon." (Spelling as appears in the record.) This sentence was in accordance with the North Carolina law at that time. The records above-given were furnished me by Mr. Sam S. Kirkpatrick, a leading attorney of Jonesboro, who at the same time told me many other interesting stories about Jackson's exploits at Jonesboro, too numerous to be recorded here.

From the time of the great victory of New Orleans until the day of his death, he was preeminently the most popular man in the United States. Parton tells us that during his second term as President, in a parade on one of the principal streets of New York City, the countless thousands with one unbroken voice demanded that he then and there be declared King of the United States! Parton also says that, after he had accumulated the material for his three volume *Life of Jackson*, if he had been asked what he had discovered respecting him he might have answered thus: "Andrew Jackson, I am given to understand, was a patriot and a traitor. He was one of the greatest of Generals, and wholly ignorant of the art of war. A writer, brilliant, elegant, eloquent, without being able to compose a correct sentence, or spell words of four syllables. The first of statesmen, he never devised, he never framed a measure. He was the most candid of men and was capable of the profoundest dissimulation. A most law-defying, law-abiding citizen. A stickler for discipline, he never hesitated to disobey a superior. A democratic autocrat. An urbane savage, an atrocious saint." (See Preface to first volume.)

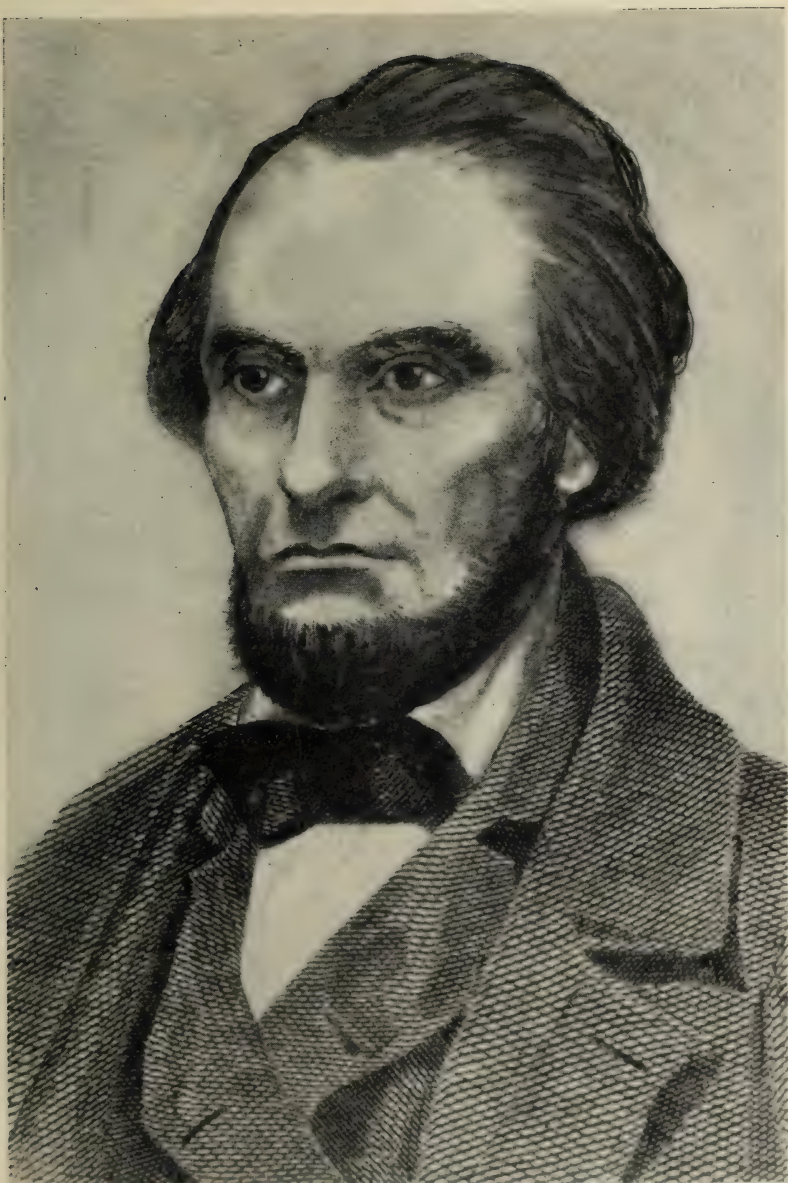


NANCY HANKS MONUMENT NEAR BELMONT, N. C.



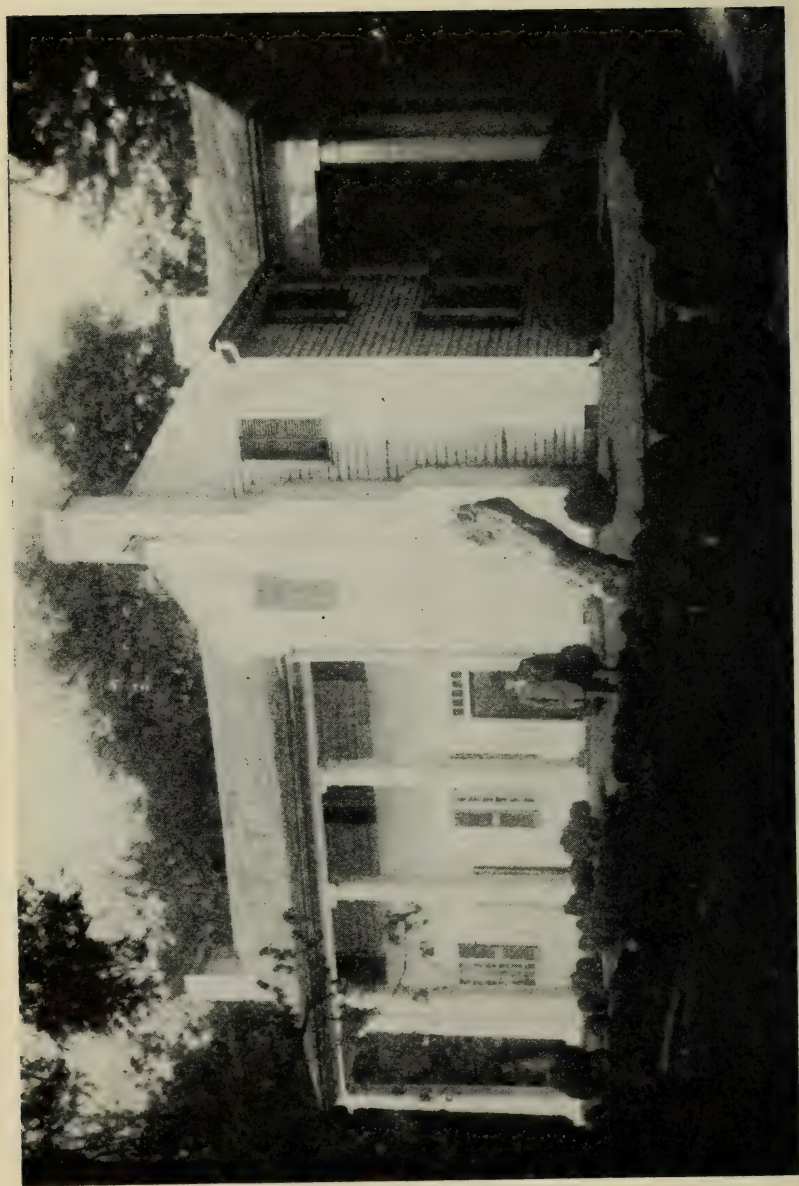


LINCOLN AS HE APPEARED WHILE PRESIDENT



JOHN C. CALHOUN WITH HAIR AND BEARD AS  
LINCOLN WORE HIS





THE CALHOUN MANSION AT CLEMSON, S. C.  
THE AUTHOR STANDING IN THE FOREGROUND



Let this be as it may, he was deified by most of his countrymen during the greater part of his life, and as the years have come and gone, the memory of his great achievements for his country has become more firmly fixed in the hearts and minds of the American people. Whether he be measured as State Solicitor, who in every contest "put the fear of God" into every criminal by his vigorous prosecution; or as United States District Attorney at Gallatin when by thrashing a band of outlaws who refused to be tried, he compelled them by force to submit to the judgment of the Court; or as Judge at Jonesboro, where he left the Bench to arrest the defiant Bean, who had refused to be arrested by the Sheriff and his posse; or as the leader of the Tennessee volunteers whom he led through the dangers of the wilderness to drive the savage Indians to the sea; or as the great General at New Orleans when he hurled the British back across the ocean; or as President of the United States, when he defied and mastered organized wealth and stopped its plundering of the masses—he was always the dominant, unconquerable leader, driving all opposition before him. It has been said of him that by the uttering of one sentence he postponed for a quarter of a century the War between the States: "By the Eternal, the Union must and shall be preserved."

To my mind he has had but one counterpart in the history of American politics and statesmanship, and that is Franklin D. Roosevelt.

The one was born amid the direst poverty after the death of his father, and was reared by a widowed mother in the home of a relative. Losing his mother and brothers at the close of the Revolution, he was an orphan and thrown upon his own resources at the age of fifteen. His education consisted of only a few months instruction in pioneer schools. With no one to assist him, and only the Star of Hope to guide him, without pause and without interruption he marched on to the high destiny that awaited him. The other was reared in the lap of luxury, with every opportunity that wealth could provide, every educational advantage that the colleges in his own and other lands could furnish. Coming from these two extremes of American society and American opportunity, the one held the highest office in the gift of the people for two terms; and all historians agree that he could have had a third term for the asking. The other, for the first time in American history has been elected to that high office for a third term. Both of them have been

the greatest commoners the Nation has had. Bold, fearless, courageous, and wise, the soul of each was ever ablaze with the desire to better the lot of the underprivileged. Each has been the best friend of the common people, the hope of "the forgotten man". The one was the popular idol of the common people in his day; the other is the popular idol of the masses now.

## CHAPTER XXI.

### ABRAHAM LINCOLN WAS A NATIVE OF THE CAROLINA MOUNTAINS.

*And he went in unto Hagar and she conceived . . .  
And the Angel of the Lord found her by a fountain  
of water in the Wilderness . . . and Hagar  
bare a son.*

GENESIS, 16: 4, 7, and 15.

In my effort to sustain the averment that Abraham Lincoln was a native of the Western North Carolina Mountains, I shall argue the proposition under three different questions, or issues: namely, First, Was Abraham Lincoln, the Sixteenth President of the United States, of illegitimate birth? Second, Was he the son of Senator John C. Calhoun of South Carolina and the Nancy Hanks who was reared in the Carolina Mountains? and Third, Was he born in the Carolina Mountains?

It shall be my purpose to argue these issues just as I would argue similar issues, in a civil cause in the Courthouse, under the rules of law applicable in such cases.

Long after the death of his own mother, and after the death of Thomas Lincoln, Abraham Lincoln made the entry in his step-mother's Bible, that he was born February 12, 1809. And he made oral statements to the same effect to several of his biographers, namely, to one Hicks, in 1860; a similar statement to the compiler of "The Dictionary of Congress;" to an artist who was painting his portrait; and to his biographer Fell, in 1859. (Cathey's Genesis of Lincoln, 228-229; Herndon's Lincoln, Volume I, pages 4 and 5, where a picture of Bible entries appears; and Warren's Parentage of Lincoln, page 94.)

It was not until long after Lincoln's death that any record evidence of the marriage of Thomas Lincoln and Nancy Hanks was found. Herndon and Ward H. Laman in their biographies of Lincoln had each asserted that after the most diligent search no such records could be found. However, in 1878, W. F. Booker,



Clerk of the Court in Washington County, Kentucky, found what purported to be a certificate of Jesse Head, a Methodist Deacon or Minister, setting forth that he did perform a marriage ceremony for Thomas Lincoln and Nancy Hanks on the 22nd of September, 1806. This was the date, as certified by Mr. Booker, but it appears that the correct date, according to the Head certificate was June 12, 1806. At the same time this alleged marriage certificate was found, there was also found in Mr. Booker's office what purported to be the marriage bond of Thomas Lincoln with Richard Berry as surety thereon. No marriage license or record thereof was found; but Jesse Head in the certificate herein referred to says that he performed the marriage ceremony "by authority of license issued by the Clerk's office of Washington County" (Kentucky). (See Barton's "The Paternity of Abraham Lincoln", pages 325-327.) The authenticity of these records has been questioned by several authors, but for all the purposes of my argument I concede that the records are genuine, and I also concede that the marriage bond and the minister's certificate raise the inference or presumption that a license was issued by the proper authorities, and that the marriage was regular and legal.

However, I do question, very seriously, the assertion that Lincoln was born February 12, 1809. His statement, though, and the records, give rise to the presumption that he was born in lawful wedlock, and by reason of this presumption the burden of proof rests upon me to satisfy my readers (the jury), by the greater weight of the evidence, that my contention is true. The burden of proof, that is, the burden of the issue, means the burden of establishing the case, and its rests on that party alone who has the affirmative of the issue, though the burden of the evidence, that is, the duty of proceeding to adduce evidence, may, during the trial, shift, and does shift, to the opposing party each time a *prima facie* case is made against him. (*Speas v. Bank*, 188 N. C., 530.) *Prima facie* evidence means that which is received or continues until the contrary is shown. It is such evidence as in judgment of law is sufficient to establish the affirmative of a disputed assertion, and, if not rebutted or disproved, remains sufficient for that purpose. (*McDowell v. R. R.*, 186 N. C., 577.)

What is meant by the greater weight of the evidence is simply evidence that is of greater or superior weight, or evidence that is more convincing, or evidence that carries greater assurance than

that which is offered in opposition thereto. In other words, what is meant by the greater weight of the evidence is that evidence which is most consistent with the truth as measured by the experience and judgment of men of common prudence and discretion; that which accords best with reason and probability, and carries conviction to the mind; the final test being just where the truth is found to be from a fair and impartial consideration of all the facts and circumstances in the case. (See 23 C. J., 16; U. S. v. McGaskill, 200 Federal Reporter, 336.)

In my endeavor to find the true answer to the issues or questions proposed, I shall appeal both to history and tradition—to original, substantive evidence, and general reputation.

At page 131 of Volume I of Ridpath's great twelve-volume work, "With the World's People", the author gives the definition of history and tradition, and the distinction between the two as follows: "We must remember constantly the difference between history and tradition. The first rests, however remote the subject-matter may be, on the testimony of witnesses contemporary with the facts described; the latter reposes on the testimony of those who were removed in time or place, or both, from the circumstances and events constituting the subject-matter of the story. History transcribes directly from the eye-witnesses or the ear-witnesses of the event, or from manuscripts, and sculptures made by them; while tradition repeats a narrative which has been transmitted from tongue to tongue, transformed through all the uncertainties of memory, or speech, and delivered to the fixedness of literary form only after the lapse of generations." But the same author at page 51 of the same volume has this further to say with respect to the value of tradition: "If a great period of time has elapsed between the one and the other—(that is, between the date of the subject-matter of the story and the date of reducing it to writing)—if the tradition have been subjected to modification, exaggeration, and reflection, to which all stories are subject so long as they dwell on the tongues of men, then, indeed, is tradition of small importance considered as material for history. But if, on the other hand, only a single generation or a fraction of a generation have intervened between the date of the event and the record which preserved the story, then we may allow to tradition a weight almost equal to that of true historical narrative."

In the following pages I will have occasion to cite several books and authorities, which will first be referred to by the title of the book and the name of the author; but in the interest of space further reference to such books will mention only the name of the author and the page of the book cited.

Abraham Lincoln has had scores of biographers. A greater number of books and pamphlets have been written about him than about any other man, living or dead. It is not my purpose here to write a biography, but rather to sift from the confused mass of contradictory statements of his many biographers enough of truth, when combined with certain facts, records, and well-founded traditions (which I have collected from time to time) to render possible the formation of a definite judgment and conclusion as to who Abraham Lincoln's parents really were, as well as to fix the place of his nativity.

First, then, Was Abraham Lincoln of illegitimate birth?

To the casual observer an affirmative answer to this question may seem impossible when it is understood that nine different men are said to have been the father of the martyred President, and that five different women by the name of Nancy Hanks are said to have been his mother! The difficulty does not seem to be lessened by the statement of a very able and reliable author that, at about the same time, there were three boys born near the same place in Kentucky, each by the name of Abraham Lincoln; and that the fathers of two of them were named Thomas Lincoln. Mrs. Carolina Hanks Hitchcock does not help the situation much when she shows in her book "Nancy Hanks" that there were in Virginia and Kentucky ten different women in the Hanks families whose first name was "Nancy". And Mrs. Hitchcock in that list does not include our North Carolina Nancy, or the Nancy of South Carolina, whose name and place in the story will later appear. The complications here detailed bring to my mind the story of the old-time colored preacher, who, when he arose in the pulpit to read his text, discovered that he had left his Bible at home. He assured his congregation that he would not ask them to wait until he could return home for his Bible, for he was sure he could quote his text exactly from memory. In quoting it however, he got his dates, events, and places somewhat confused. He said: "While Solomon was King, Moses and Jezabel hitch dey team to 'Lijah's chariot and journeyed togedder from Jezreel down to Jericho to hear Saint Paul preach. It wuz at de time when de



Twelve Tribes ob Israel wuz 'tending de feas' ob de unleavened bread dat is called de Passover. And on de third day Jezabel fell out de window ob de hotel; and all her flesh and all her bones wuz et up by de dogs. But ob de fragments dat remained dey wuz twelve baskets full, not countin' wimmin and chilluns'."

If Lincoln was of illegitimate birth he was not responsible for it, and his illegitimacy cannot detract any lustre from his imperishable fame. His place in history is safe and secure.

Alexander Hamilton is mentioned in history as an eminent American Statesman. He was the father of the aristocratic principle of government in America, and his followers from his day until now have been in perpetual warfare with those who adhere to the democratic idea in government. He was the illegitimate son of one James Hamilton, a Scottish trader, and a woman by the name of Rachel Ravine, of French-Huguenot descent, who had previously separated from her husband. (The New International Encyclopaedia, Vol. 10, page 632.) There have been many men of prominence and usefulness to mankind who were of illegitimate birth.

John Locke Scripps, of the Chicago Tribune, is said to have been Mr. Lincoln's first biographer. He obtained from Mr. Lincoln in person, the information for a campaign biography in 1860 after he had been nominated for the presidency. He gave to Mr. Scripps the facts necessary to enable him to prepare his book; and, soon after Mr. Lincoln's death, Mr. Scripps wrote, as follows, to William H. Herndon, who had commenced to gather material for his biography of Lincoln: "Lincoln seemed to be painfully impressed with the extreme poverty of his early surroundings, and the utter absence of all romantic and heroic elements. He communicated some facts to me concerning his ancestry, *which he did not wish to have published*, and which I have never spoken of or alluded to before." Mr. Herndon then makes this comment: "What the facts referred to by Mr. Scripps were, we do not know; for he died several years ago without, so far as is known, revealing them to any one." (Herndon and Weik, "The Life of Lincoln", Volume I, pages 2 and 3.) The biography here referred to was written by William H. Herndon, who was Mr. Lincoln's law partner from 1843 until the partnership was dissolved in 1865 by the assassin's bullet. Mr. Herndon says himself that he worked for twenty years in gathering material and in writing the book, and was assisted during the last three years of his labor by Jesse W. Weik. The first edition was published in

1888; but, on account of certain information published in this edition respecting Mr. Lincoln's parentage and his illegitimate birth, this edition was suppressed. A revised edition, omitting this information, was published in 1892, and a republishing of this last edition in 1924, in two volumes, which I now have before me. Many writers say that this is the best biography that has been written of Mr. Lincoln, because, with Herndon, it was a labor of love; and all agree that, owing to his long and intimate association with Lincoln, he had the best opportunity to write a reliable and authoritative biography. His preface to each of the editions is the same, and I quote from his preface to Volume I as follows: "If Mr. Lincoln is destined to fill that exalted station in history or attain that high rank in the estimation of the coming generations which has been predicted of him, it is alike just to his memory and the proper legacy of mankind that the whole truth concerning him should be known. If the story of his life is truthfully and courageously told—nothing colored or suppressed; nothing false either written or suggested—the reader will see and feel the presence of the living man . . . . If, on the other hand, the story is colored or the facts in any degree suppressed, the reader will not only be misled, but imposed upon as well . . . . You should not forget that there is a skeleton in every house . . . . Lincoln's character I am certain will bear close scrutiny. I am not afraid of you in this direction. Don't let anything deter you from digging to the bottom; yet don't forget that if Lincoln had some faults, Washington had more—few men have less. In drawing the portrait tell the world what the skeleton was with Lincoln. What gave him that peculiar melancholy? What cancer had he inside? Some persons will doubtless object to the narration of certain facts which appear here for the first time, and which they contend should have been consigned to the tomb. Their pretense is that no good can come from such ghastly exposures. To such over-sensitive souls, if any such exist, my answer is that these facts are indispensable to a full knowledge of Mr. Lincoln in all the walks of life. In order properly to comprehend him and the stirring, bloody times in which he lived, and in which he played such an important part, we must have all the facts—we must be prepared to take him as he was . . . . Many of our great men and our statesmen, it is true, have been self-made, rising gradually through struggles to the topmost round of the ladder; but Lincoln rose from a lower depth than any of them. His origin was in that

unknown and sunless bog in which history never made a foot-print. I should be remiss in my duty if I did not throw the light on this part of the picture, so that the world may realize what marvelous contrast one phase of his life presents to another . . . . I have no theory of his life to establish or destroy. Mr. Lincoln was my warm, devoted friend. I always loved him, and I revere his name to this day. My purpose to tell the truth about him need occasion no apprehension; for I know that "God's naked truth", as Carlyle puts it, can never injure the fame of Abraham Lincoln. It will stand that or any other test, and at last, untarnished, will reach the loftiest niche in American history . . . . Over twenty years ago I began this book . . . . Within the past three years I have been assisted in the preparation of the book by Mr. Jesse W. Weik of Greencastle, Indiana, whose industry, patience, and literary zeal have not only lessened my labor, but have secured for him the approbation of Lincoln's friends and admirers. Mr. Weik has by his personal investigation greatly enlarged our common treasure of facts and information. He has for several years been indefatigable in exploring the course of Lincoln's life. In no particular has he been satisfied with anything taken at second hand. He has visited—as I also did in 1865—Lincoln's birth-place in Kentucky, his early homes in Indiana and Illinois, and together, so to speak, he and I have followed our hero continuously and attentively till he left Springfield in 1861 to be inaugurated President. We have retained the original manuscripts in all cases, and they have never been out of our hands. In relating facts, therefore, we refer to them in most cases, rather than to the statements of other biographers. This brief preliminary statement is made so that posterity, in so far as posterity may be interested in the subject, may know that the vital matter of this narrative has been deduced directly from the consciousness, reminiscences, and collected data of

William H. Herndon."

Such was the excuse or apology, as the preface to a book is sometimes called, of William H. Herndon, the life-long friend and for a quarter of a century the law-partner of Abraham Lincoln, with respect to the latter's parentage and illegitimate birth after twenty years of tireless investigation.

On page 1 of Herndon's "The Life of Lincoln, Third Edition", he says: "Beyond the fact that he was born on the 12th day of February, 1809, in Hardin County, Kentucky, Mr. Lincoln usually



had but little to say of himself, the lives of his parents, or the history of the family before their removal to Indiana. If he mentioned the subject at all, it was with great reluctance and significant reserve. There was something about his origin he never cared to dwell upon." On page 3 of the same Volume Mr. Herndon also says: "On the subject of his ancestry and origin I only remember one time when Mr. Lincoln referred to it. It was about 1850, when he and I were driving in his one-horse buggy to Court in Menard County, Illinois. The suit we were going to try was one in which we were likely either directly or collaterally, to touch upon the subject of hereditary traits. During the ride he spoke, for the first time in my hearing, of his mother, dwelling on her characteristics, and mentioning, or enumerating what qualities he inherited from her. He said, among other things, that she was the daughter of Lucy Hanks and a well-bred but obscure Virginia farmer or planter; and he argued that from this last source came his power of analysis, his logic, his mental activity, his ambition, and all the qualities that distinguished him from the other members and descendants of the Hanks family.

"In only two instances did Mr. Lincoln over his own hand leave any record of his history or family descent. One of these was the modest bit of autobiography furnished to Jesse W. Fell, in 1859, in which, after stating that his parents were born in Virginia of 'undistinguished or second families', he makes the brief mention of his mother, saying that she came 'of a family of the name of Hanks.' The other record was the register of marriages, births, and deaths which he made in his father's Bible."

All the writers on Lincoln respecting this point agree that these Bible entries are in Lincoln's own hand-writing, and some of them assert that they were written at the request of his step-mother, Thomas Lincoln's second wife, and this is probably true, for the entries include the record of the death of Thomas Lincoln, and this, too, is in the hand-writing of Abraham Lincoln. Herndon inserts between pages 4 and 5 of the volume above quoted a picture of these Bible entries, all appearing to be in his own hand-writing; and he nowhere records the fact of the marriage of his own mother with Thomas Lincoln, but is particular to write that Thomas Lincoln after the death of Abraham's mother on October 5, 1818, married a widow, Sarah Bush Johnson, and Herndon says this marriage occurred about the second day of December, 1819. (Herndon, Volume I, page 26.) An examination of the picture of

these Bible entries will show that at every place where discredit might be cast upon the President's own mother the dates have been defaced or destroyed, and the inevitable inference is that these mutilations were accomplished by friends or members of his family, for no other persons would be interested in concealing the true facts. This inference is supported by the fact that when Herndon visited Lincoln's step-mother in September, 1865, "she declined to say much in answer to my questions about Nancy Hanks, her predecessor in the Lincoln household, but spoke feelingly of the latter's daughter and son. (Herndon, Volume I, page 29.)

The quotations appearing above are from Volume I, of the last edition of "Abraham Lincoln" by Herndon and Weik. I have not had the opportunity to see a copy of the first edition the one that was suppressed. But, in the determined effort to suppress and destroy this first edition, many volumes, of course, could not be found. Mr. John E. Burton, a successful financier and man of letters, residing at Lake Geneva, Wisconsin, was one of Lincoln's greatest admirers. He was the owner of more than a thousand books written about the Martyred President. For years he delivered in many places in the country a most eloquent and learned lecture on "Abraham Lincoln." He happened to read a little volume entitled "The Genesis of Abraham Lincoln," written by the late Honorable James H. Cathey, lawyer and Legislator of Jackson County, in which volume Mr. Cathey published many signed statements of people who were well acquainted with what may be designated the "North Carolina Tradition of the Birth and Childhood of Abraham Lincoln." A correspondence between these two gentlemen followed and Mr. Burton sent by express to Mr. Cathey the suppressed edition of Herndon's "Abraham Lincoln" and also the Life of Lincoln by Ward H. Lamon, who had purchased Herndon's manuscripts for two thousand dollars and drew upon this, as well as his own investigations, for the book written by him, which book was also suppressed.

From this suppressed Edition Mr. Cathey, in a second Edition of "The Genesis of Abraham Lincoln", quotes Herndon in Volume I, pages 1, 3, 4, 5, 6, and 7 as follows: "His (Lincoln's) theory in discussing the matter of hereditary traits had been that, for certain reasons, illegitimate children are oftentimes sturdier and brighter than those born in lawful wedlock; and in his case he believed that his better nature and finer qualities came from this broad-minded,

unknown Virginian. The relation—painful as it was—called up the recollection of his mother, and as the buggy jolted over the road he added: 'God bless my mother. All that I am or ever hope to be I owe it to her,' and immediately lapsed into silence. Our interchange of ideas ceased, and we rode for sometime without exchanging a word. He was sad and absorbed. Burying himself in thought and musing no doubt over the disclosures he had made, he drew around him a barrier which I feared to penetrate. His words and melancholy tone made a deep impression on me. It was an experience I can never forget . . . After Mr. Lincoln had obtained some prominence in the world, persons who knew both himself and his father were constantly pointed to the want of resemblance between the two. The old gentleman was not only deprived of energy and shiftless, and because of these, persons were unable to account for the source of the son's ambition and intellectual superiority over other men; hence the charge so often made in Kentucky that Mr. Lincoln was in reality the offspring of a Hardin or a Marshall, or that he had in his veins the blood of some of the noted families who held social and intellectual sway in the western part of the State. These serious hints were the outgrowth of the campaign in 1860, which was conducted with such unrelenting prejudice in Kentucky that in the County where Lincoln was born only six persons could be found who had the courage to vote for him. I remember that after his nomination for the presidency, Lincoln received from Kentucky many inquiries about his family and origin. This curiosity on the part of the people for one who had attained such prominence was perfectly natural, but it never pleased him in the least; in fact, to one man who was endeavoring to establish a relationship through the Hanks family, he simply answered: 'You are mistaken about my mother', without explaining the mistake or making further mention of the matter . . . Regarding the paternity of Lincoln a great many surmises and a still larger amount of unwritten, or at least unpublished, history have drifted into the currents of western lore and journalism. A number of such traditions are extant in Kentucky and other localities. Mr. Weik has spent considerable time investigating the truth of a report current in Bourbon County, Kentucky, that Thomas Lincoln, for a consideration from one Abraham Inlow, a miller there, assumed the paternity of the infant child of a poor girl named Nancy Hanks; and after marriage removed with her to Washington or Hardin County, where the son,



whose name was Abraham, after his real, and Lincoln after his putative father, was born. A prominent citizen of the town of Mount Sterling, in that State, who was at one time Judge of the Court and subsequently editor of a newspaper, and who was descended from the Abraham Inlow mentioned, has written a long argument in support of his alleged kinship through this source to Mr. Lincoln. He emphasizes the striking similarity in stature, facial features, and length of arms, notwithstanding the well established fact that the first born child of the real Nancy Hanks was not a boy, but a girl, and that the marriage did not take place in Bourbon, but in Washington County."

Such is the evidence of William H. Herndon after twenty years of diligent research, touching the illegitimacy of the man who was his law partner for twenty-five years. Is Mr. Herndon worthy of belief? Horace White, noted journalist and financial expert, who accompanied Lincoln in his campaign against Stephen A. Douglas, and one-time Editor of the Chicago Tribune, wrote the introductory chapter of Herndon's *Life of Lincoln*, and he has this to say of Herndon's book: "The world owes more to William H. Herndon for this particular knowledge (Lincoln's life before he was President) than to all other persons taken together. It is no exaggeration to say that his death, which took place at his farm near Springfield, Illinois, March 18, 1891, removed from earth the person who, of all others, had most thoroughly searched the sources of Mr. Lincoln's biography, and had most attentively, intelligently, and also lovingly studied his character . . . . As a portraiture of the man Lincoln—and this is what we look for above all things in a biography—I venture to think that Mr. Herndon's work will never be surpassed." In 1910, Joseph Fort Newton, the son of a confederate soldier, but who resided at Cedar Rapids, Iowa, published his "*Lincoln and Herndon*", a book of 352 pages. On page 309 he publishes a letter written by Herndon to this same Horace White, evidently in explanation of what he was proposing to include in his biography of Lincoln respecting his illegitimacy, from which I quote the following: "I have never spoken to any person, except yourself and General Wilson, the story of Lincoln's history. My motives were good in doing as I did. I wished to throw light on the mysterious phases of his wonderful life. I loved Lincoln, and I thought the reading world wished all the lights I had. Hence the facts told in the biography and in private letters. I may have erred

in the head, but my heart was right. I can tell from the ring of your words that friendship dictated every word of your advice, and I thank you."

Mr. Newton on the same page speaks of the death of Herndon in these words: "So passed an ardent, impetuous man of great native ability, radical of mind but lovable of soul; a strong man whose zeal often exceeded his wisdom, but whose charity was un-failing; a man of noble integrity as a citizen, a lawyer and a friend; unwilling to compromise truth, yet eager to give every man his due." Newton then, on page 319 corroborates Mr. Herndon by the statement that Lincoln "remained all his life ignorant of his own pedigree, thinking that he was born out of lawful wedlock and of an ancestry of which he had no reason to be proud."

Ward H. Lamon who wrote a "Life of Lincoln", based on his own researches and Herndon's manuscripts, sums up his evidence in these words: "Abraham Lincoln was of illegitimate origin and lived and died an infidel." But this is not all. Horton's *Youth's History of the Great Civil War*, through its author, a citizen of New York, in his biographical sketch of Abraham Lincoln has this to say: "He had the misfortune not to know who his father was; and his mother, alas, was a person to reflect no honor upon her child." Now, all the testimony quoted above is from Northern writers, who were naturally admirers and friends of Lincoln. We will now seek other fields for proof.

### THE FATHERS OF ABRAHAM LINCOLN.

1. I will now make brief mention of the nine alleged fathers of Abraham Lincoln, including Thomas Lincoln. He is entitled to first honors, because of the presumption raised by the purported marriage records referred to, and the fact that he and Lincoln's mother lived together as husband and wife from the time of their alleged marriage until her death in 1818. However, this presumption does not prove that Thomas Lincoln was the father of the great War President, as the evidence hereinafter cited will clearly show to any unbiased mind.

2. Martin D. Hardin. There was a tradition in Washington County, Kentucky, that, while Nancy Hanks was residing in that County in the home of Richard Berry, Martin D. Hardin, who was later known as General Hardin, while on his way to attend a session of the Kentucky Legislature, visited Nancy at the Berry

home, which visit resulted in the birth of a boy, who was later called Abraham Lincoln. This tradition never had a very wide circulation, and first appeared in printed form in an essay written by Ida M. Tarbell, who subsequently published a four volume biography of Lincoln. I shall show, later on, that this Nancy Hanks was not the mother of the President.

3. Another tradition that had some considerable circulation, was to the effect that Andrew, the son of an Englishman, and the adopted son of Chief Justice John Marshall, was the father of Lincoln.

Mrs. Lucinda Joan (Rogers) Boyd in 1889, published a little volume entitled the "Sorrows of Nancy." She contends that Nancy Hanks, the mother of Abraham Lincoln, was the illegitimate daughter of Lucy Hanks, and a son of the great Chief Justice, this son being later killed in border warfare. She further argues that Abraham Lincoln was the illegitimate son of this Nancy Hanks, and Andrew, the adopted son of the Chief Justice mentioned above. Mrs. Boyd says that Lincoln was born on the line between Clark and Bourbon Counties, Kentucky, and that, after his birth, one Abraham "Inlow" induced Thomas Lincoln to marry Nancy. I agree with Mrs. Boyd that the mother of Nancy was a Lucy Hanks, and that Nancy was an illegitimate; but if there was such a woman as the Nancy Hanks she refers to, that Nancy was not the mother of the President, and the President's mother was not a "common prostitute" as contended by Mrs. Boyd.

4. For many years there was a tradition widely circulated in Northern Virginia, Mississippi, and Georgia, to the effect that Abraham Lincoln was the illegitimate child of Jefferson Davis's father and a woman by the name of Nancy Hanks residing at or near Culpeper, Virginia. I have heard of this tradition from several sources. When I was holding the Courts at Dobson in Surry County, Mr. R. A. Freeman, a prominent lawyer there, and his wife, gave me the version of the tradition that was long current in Virginia. It here follows in Mr. Freeman's own words in a letter which I have just received from him:

"I regret exceedingly that I have not found opportunity to answer your letter received sometime ago, relative to the story that I heard about the parentage of Abraham Lincoln, while I was teaching school in Culpeper County, Virginia.

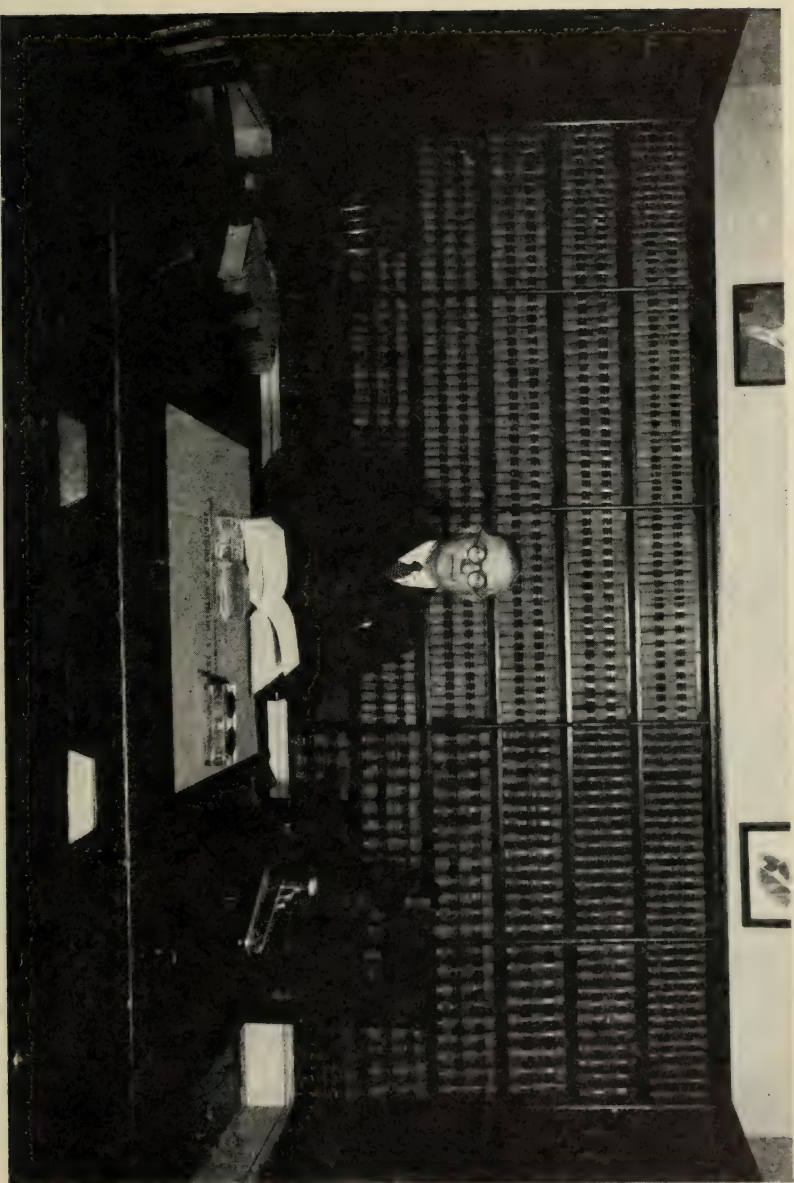


"This story was told me by Professor J. M. Harris who owned a large farm near Culpeper. He was a man of great learning and wide information, having previously been a Professor in Furman University. He was a soldier for four years in the Civil War and was much interested in the history and traditions of that period. He told me that the story had been current in Northern Virginia for a long time.

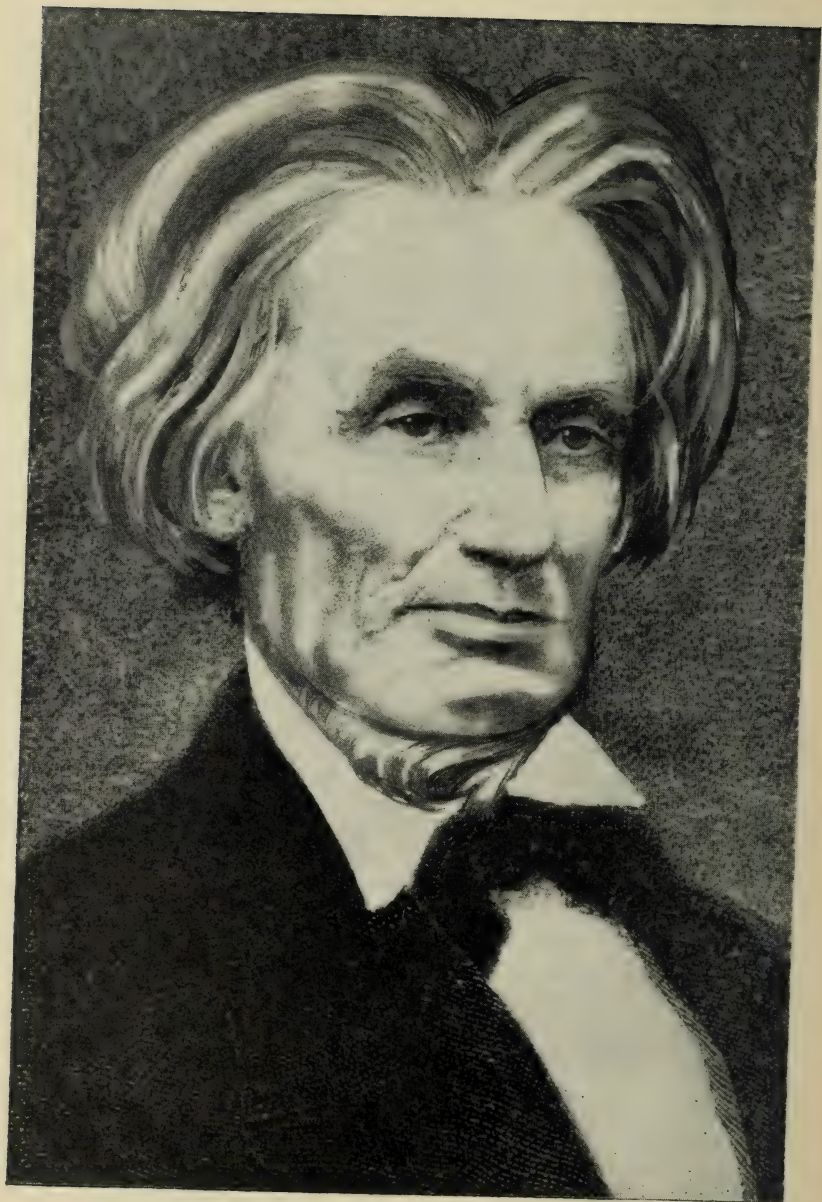
"As the tradition goes, the father of Jefferson Davis was either a member of Congress or held some office in the Federal Government in Washington during the early years of the Nineteenth Century, and had a friend who was likewise a member of Congress or who held some official position in that city, and who owned a large plantation in Virginia just across the Potomac River. Mr. Davis from time to time spent the week-end in Virginia with his friend, and during one of his visits became acquainted with Nancy Hanks, the daughter of Lucy Hanks, who perhaps lived on his friend's plantation. Nancy was a buxom lady with attractions. A flirtation arose between Mr. Davis and Nancy and she became pregnant. She and her father and mother were members of the Broad Run Baptist Church near what is now New Baltimore, Virginia. This church expelled Nancy on account of her condition and her parents asked for their letters, which were granted, and tradition says they went west, perhaps to Kentucky.

"Some years later I married Miss Bessie Willis of Culpeper County, Virginia, and repeated to her this story and she told me that she had heard it years before from her teacher, who for some time stayed in her home, Miss Sadie Bartenstein, who now lives in Warrenton, Virginia. My wife has recently had a letter from Miss Bartenstein in which she says that there is an old lady by the name of Miss Jeffries, who has in her possession the records of that old church and that she will not let any one see or have these records, which were handed down to her from her father.

"It is apparently a peculiar coincidence that Abraham Lincoln and Jefferson Davis were both born in the State of Kentucky about seven months apart; that there is a striking resemblance in some of the portraits of the two men; and that one was President of the United States and the other the President of the Confederate States at the same time, and as Northern gossip has it they were half brothers."

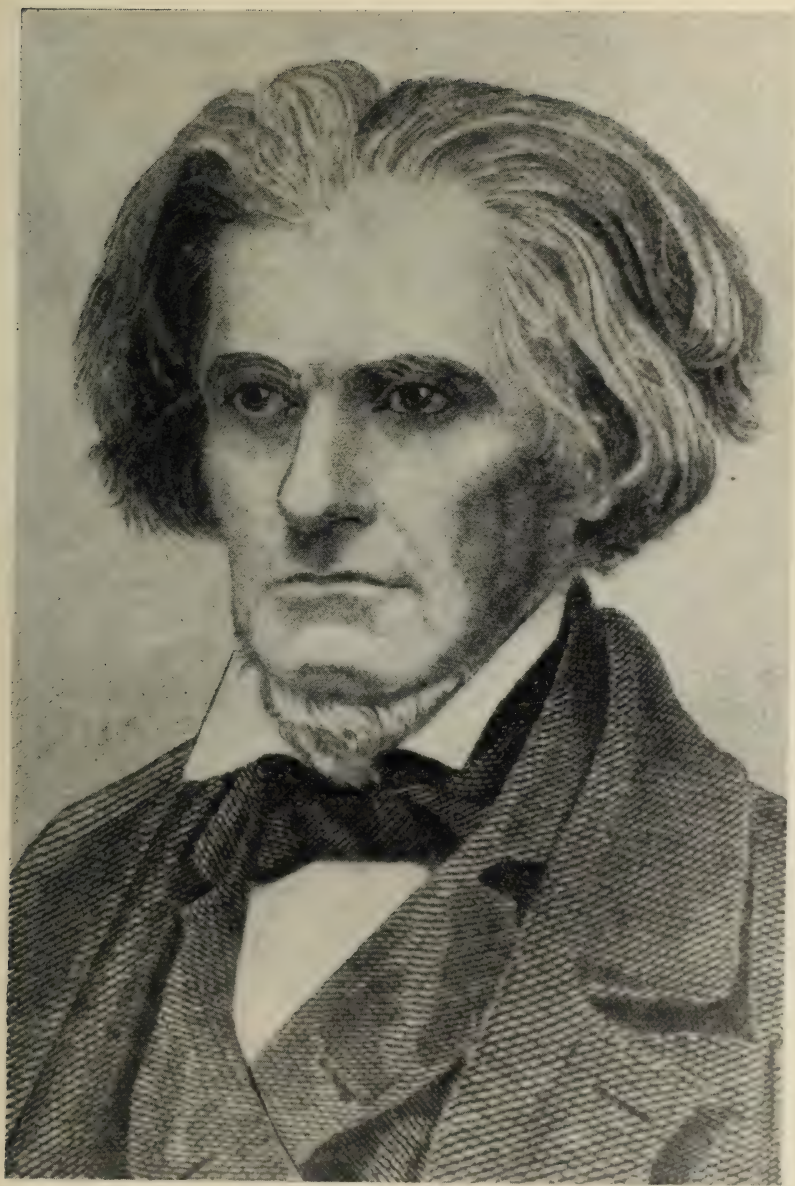


THE AUTHOR AND HIS OFFICE



LINCOLN WITH BEARD REMOVED AND HAIR  
ARRAYED AS CALHOUN WORE HIS





JOHN C. CALHOUN AS HE APPEARED IN LIFE



HOUSE IN WHICH HENRY W.  
GRADY WAS BORN AT  
MURPHY, N. C.

5. The fifth alleged father of Lincoln was George Brownfield. The circulation of this tradition was not so widespread, but it is said to have been believed by a large number of people in what was once Hardin, now LaRue County, Kentucky. Before removing to Hogenville, where Thomas Lincoln's family last lived before they moved to Indiana, they were tenants in the year 1808, on the farm of George Brownfield nearby their future home. Because George Brownfield had a son, David, who when grown, was said to be the living image of Abraham Lincoln when he grew to manhood, this tradition gained considerable circulation in that immediate community, and still has some advocates. However, there were never any facts produced to support the tradition.

6. One among the widespread traditions is that Abraham Lincoln was the illegitimate son of a poor girl by the name of Nancy Hanks, and a miller by the name of Abraham "Inlow", who lived on the border between Clark and Bourbon Counties, Kentucky. According to this tradition the little son was old enough to run around when Inlow paid Thomas Lincoln five hundred dollars and a wagon and team to induce him to take Nancy and the child away from that section, and that they left with the child sitting between them on the wagon seat. The child had already been named Abraham for this alleged father. This tradition was given the widest circulation by Belvard January Peters, who was one of the ablest lawyers in Kentucky in his day, and was one time Chief Justice of the Kentucky Supreme Court. He wrote the story for publication in certain local papers in Kentucky. The high reputation of Judge Peters, both for his ability and veracity, and his belief in the truth of the tradition (before his death he made affidavit as to his belief) will account in large measure for the belief of others in this story. This tradition, like the previous ones herein mentioned is fatally lacking in facts to support it. It is my belief that this tradition grows out of the North Carolina Enloe tradition hereinafter referred to in greater detail. (See Herndon's account of this tradition on pages 1 to 7, suppressed edition.) This same Judge Peters, in his affidavit above referred to, states that Jesse Head who certified that he married Thomas Lincoln and Nancy Hanks, later admitted that at that time Nancy had a little boy named Abraham, who was large enough to be running around when the marriage ceremony was performed.



7. There is still another tradition that Abraham "Enlow" of Hardin County, Kentucky, was the father of Abraham Lincoln. Ward H. Lamon thought well of this tradition, and in his "Life of Lincoln", which was afterwards suppressed, he tells of a terrible fight had by this Abraham Enlow and Thomas Lincoln, which was supposed to be on account of Lincoln's wife, Nancy. Lamon says that in this fight Lincoln bit off Enlow's nose, and that in consequence of this fight and scandal the Lincolns moved to Indiana. (See Lamon's Life of Lincoln, page 16.) This tradition was exploded when it was shown that according to Bible records and other proof this Abraham Enlow was only fifteen years of age at the time in question. I think that this tradition grows out of the North Carolina Abraham Enloe tradition also, because it is a fact supported by convincing positive evidence that our Enloe had his nose bitten off by Thomas Lincoln in a desperate fight which they had. The evidence in relation to this fight will appear in the next succeeding chapter.

8. Mr. Cathey, in his "Genesis of Lincoln", on pages 53 to 57, sets forth a statement given him by Mr. Joseph Collins, of Haywood County, North Carolina. I knew Mr. Collins for many years as a man of the highest character and unquestioned veracity. Mr. Collins there says that the first he ever heard about Lincoln's origin was when he was in Texas in 1867, where he became acquainted with Judge Gilmore, an old gentleman living three miles from Fort Worth. Judge Gilmore told him that he knew Nancy Hanks before she was married, and that she then had a child she called Abraham. While the child was yet small she married a man by the name of Lincoln, a whiskey distiller. After Nancy Hanks was married to the man Lincoln the boy was known by the name of Abraham Lincoln. He said that Abraham's mother, when the boy was about eight years old, died. Judge Gilmore said he himself was five or six years older than Abraham Lincoln; that he knew him well and attended the same school with him. He said he knew Lincoln until he was almost grown, when he, Gilmore, moved to Texas where he was elected Judge of the County Court. Mr. Collins also wrote Mr. Cathey that many years ago he met an old man in Buncombe County by the name of Phillis Wells, who was then ninety years old; that as a young man Wells traveled over the mountain Counties buying ginseng, feathers, and furs and selling tin-ware, and often spent the night in the home of Abraham Enloe

in what is now Swain County; that on one of these occasions Enloe told him he was in trouble with his wife about a girl by the name of Nancy Hanks who was living there. Wells said he saw Nancy Hanks, and she was a good-looking girl and seemed smart for business. Wells said that when he came to Enloe's on his next trip, he had sent Nancy Hanks to Jonathan's Creek (in Haywood County). That later a child was born to her and she named him Abraham. He said that Enloe then hired a man to take her out of the country in order to restore peace in his home.

Captain W. A. Enloe of Jackson County wrote Mr. Cathey that during the war he came home from Raleigh to recruit his company, and that, as he was having dinner at a hotel in Asheville, he heard a number of army officers discussing Abraham Lincoln, and they said his correct name was Enloe. Captain Enloe said that, after the war, he was stationed in Tennessee and was there handed a paper with a lengthy sketch of Abraham Lincoln's early life in Kentucky, alleging that his father's name was Enloe, and that Lincoln was born in Western North Carolina. (Cathey, 59 to 61.)

On September 17, 1893, the Charlotte Observer carried an article signed "Student of History", in which it was stated, among many other things, that a Dr. A. W. Miller in Jackson County told the writer of the article the story of Nancy Hanks and her boy Abraham; and that his father's name was Abraham Enloe and his mother was Nancy Hanks, and that Lincoln was born in the house in Swain County which was then occupied by Wesley Enloe, the son of Abraham Enloe. This same writer called at the home of Col. Allen T. Davidson, of Asheville, the father of the late Attorney General, Theodore Davidson, and Colonel Davidson confirmed this story, he having married into the Enloe family himself and as an attorney, settled the estate of Abraham Enloe. (Cathey, pages 63 to 74.) Colonel Davidson also told this writer that there was a lady then living who as a girl was visiting at Abraham Enloe's, when she was a young girl. She said that Nancy Enloe Thompson (who had married against her father's wishes) had become reconciled with her people and was at home on a visit. They were to start back to Kentucky in a few days and this young lady heard a neighbor say: "I am glad Nancy Hanks and her boy are going to Kentucky with Mrs. Thompson. Mrs. Enloe will be happy again."

Captain James W. Terrell of Jackson County was born inutherford County in 1829, but lived most of his long life in Jackson

County and died there. When I was Clerk of the Court of Jackson County, Captain Terrell, who lived in Webster, was my deputy for a while. I knew him to be a most honorable and truthful man. He gave Mr. Cathey a signed statement for his book, and after speaking of the general report that Nancy Hanks was the mother of an illegitimate child named Abraham, before going from Swain County to Kentucky, stated that many years before, in a conversation with Dr. Edgerton, of Hendersonville, North Carolina, who was the brother of Mrs. Abraham Enloe, Dr. Edgerton told him that in the early fifties two young men of Rutherford County, North Carolina, moved to Illinois and settled near Springfield. One of them, whose name was Davis became intimately acquainted with Mr. Lincoln. In the fall of 1860, just before the presidential election, these young men made a visit back to Rutherford and spent a night with Dr. Edgerton. They were discussing the presidential candidates, and Mr. Davis told Dr. Edgerton that, in a private and confidential talk with Mr. Lincoln, the latter told him that he was of southern extraction; that his right name was, or ought to have been, Enloe, but that he had always gone by the name of his step-father. (Cathey, pages 46 to 51.) The newspaper article in the Charlotte Observer quoted above repeats this same incident and conversation. (Cathey, page 66.)

Mr. Cathey prints a letter from C. A. Ragland, Esquire, of Stockton, Missouri, who states that Col. T. G. C. Davis, of St. Louis, Missouri, who was born in Kentucky, but lived for many years in Illinois, told him that he was intimately acquainted with Mr. Lincoln, having been associated with him, as well as against him in law cases before the Supreme Court of Illinois; that they as members of the Committee drafted most of the Constitution of Illinois, in 1844 or 1845. He said that he knew the mother of Abraham Lincoln; that he was raised in the same neighborhood in Kentucky, and that it was generally understood without question, in that neighborhood, that Lincoln, the man who married the President's mother, was not the father of the President. (Cathey, pages 77 and 78.) Mr. Cathey quotes a dozen other letters from old men of Jackson and Swain Counties, together with a letter from S. E. Kennedy, of Davis, Indian Territory, under date of July 7, 1898; a letter from James D. Enloe, of Cedartown, Georgia; a letter from Dr. Thomas Hammond, of Wildwood, Florida; a letter from Nat R. Anderson, of Rolling Fork, Mississippi; and



a letter from G. J. Davie, of Nevada, Texas, all of whom, in unmistakable terms, confirm and corroborate the foregoing general reputation and tradition. The lack of space forbids me to quote from all of them, but reference will be made to many of them hereafter in the discussion of the second issue involved.

In 1927 Dr. J. C. Coggins, Ph.D., LL.D., a scholarly gentleman of Rutherfordton, and Representative of Rutherford County, in the Legislature of 1917-18, published a book entitled, "Abraham Lincoln, a North Carolinian."

The main propositions sought to be proved by Dr. Coggins are that Nancy Hanks was reared in the family of Abraham Enloe in Rutherford County; that she went with him and his family when they moved to what is now Swain; that while she was about to become the mother of a child by Abraham Enloe he had her sent back to his old homestead in Rutherford County, and there she gave birth to a boy child whom she named Abraham; and that later she carried her child to Kentucky where she married Thomas Lincoln. Dr. Coggins presents his proof through the affidavits of some ten or twelve witnesses who testify to the general reputation and tradition respecting Lincoln's birth, and several of them testify that certain old people who were living at the time told them that they had seen Abraham Lincoln when he was a small child at this old home of Enloe. I here quote from a few of them. Bracton Smart testified that he was the great grandson of Nancy Hollyfield, who was popularly known as "Granny". He says that she lived to be a hundred and seven years old, having been born in 1794 and died in 1900. He states that he had often heard her say that during her girlhood days she was intimately associated with a girl by the name of Nancy Hanks, who lived at the home of Abraham Enloe on Puzzle Creek in Rutherford County. She made the statement many times that she had seen Nancy and her child at the old Enloe home place, and that it was the belief of all the old people that the child was born there, and later taken to some place in Kentucky. A Methodist Minister, by the name of C. R. Lee about the year 1898 wrote a story, based in part on this old lady's statement. (Coggins, page 44.)

J. N. Jones testified that he was sixty years old when he made his affidavit in 1926. He says that he lived near the old lady, "Granny" (Nancy) Hollyfield, and talked with her frequently. He says she lived to be over a hundred years old, and he often

heard her say that she had held Abraham Lincoln in her arms when he was a baby; that he was born at the old Abraham Enloe place on Puzzle Creek in Rutherford County, North Carolina. (Coggins, pages 49 and 50.)

A. DeK. Wallace at the age of seventy-eight years testified that he knew personally the old people who saw the girl, Nancy Hanks, before and after her child was born. He says the old people told him that Nancy Hanks was placed in the home of Abraham Enloe when she was a small girl and grew to womanhood in this Enloe family. When she was about grown she became the mother of a child and Abraham Enloe was regarded as its father, and the child was called Abraham for him. (Coggins, 64-65.) Mrs. Martha Keeter at the age of seventy-eight years testified that she had heard the story of Nancy Hanks and her child Abraham from the old people who lived at the time in Rutherford County. She said her father knew all the old associates of Nancy Hanks, and he said that Nancy was reared in the family of Abraham Enloe, and that Abraham Lincoln was born in Rutherford County. (Coggins, 67-68.) George DePriest, of Shelby, North Carolina, when he was seventy-two years of age made affidavit in part, as follows: That when he lived in Rutherford County he was well acquainted with an old lady by the name of "Polly" Price, popularly called "Aunt Polly", who lived to be a hundred years old. He said he often heard Aunt Polly talk about the girl, Nancy Hanks. She said she was intimately associated with Nancy Hanks in her girlhood, often went to quiltings and dances with her, and that Nancy came to her home to quilt and dance. She said that she often visited Nancy when she lived on Puzzle Creek in Abraham Enloe's home. She saw her at the old Enloe home after her child was born, and also at the old Concord church where she took the baby from Nancy and held him in her arms. (Coggins, 45-46.)

Honorable C. O. Ridings, Solicitor of the Eighteenth Judicial District of North Carolina, is the grandson of Honorable Columbus Tanner, who for more than eighteen years was Clerk and Assistant Clerk of the Superior Court of Rutherford County. He died in 1925 at the age of eighty-three years. He was acquainted with the old people who were conversant with the facts in respect to Nancy Hanks. Mr. Tanner spent considerable time collecting the facts and writing a history of Nancy Hanks. The writing has now been lost or misplaced, but Mr. Ridings read it as many as

three times and was thoroughly familiar with it. He says his grandfather asserted in this writing that Michael Tanner of Virginia, was the father of Nancy Hanks by Lucy Hanks. In this writing Columbus Tanner stated that Nancy Hanks stayed at Abraham Enloe's home on Puzzle Creek, and that the child later known as Abraham Lincoln was born there; that Michael Tanner took Nancy on his horse behind him and carried her away with the baby in his arms, and that Abraham Enloe was believed to be the father of the child. (Coggins, 47-48.)

Dr. Coggins publishes his own affidavit in which he sets forth a statement made to him by Berry H. Melton, a very old man, living in Buncombe County, whose mother was the sister of Abraham Enloe. This old gentleman was nearly ninety years old when he made his statement to Dr. Coggins, and he said he knew Nancy Hanks when she was a girl; that she came to live with his uncle, Abraham Enloe, when she was eight or ten years old, and that she continued to live there till she was grown. He said he visited his uncle many times while Nancy was there. He also said that Abraham Enloe, with several other families, moved west of the Blue Ridge, and that later Nancy gave birth to a boy named Abraham, and that still later they were sent across the line into Kentucky where Enloe's daughter lived. Further quotations from this affidavit will appear farther on. (Coggins, 147-160.)

Dr. Coggins' book contains several other affidavits, together with most of the evidence and statements in Cathey's "The Genesis of Lincoln", and also a number of newspaper articles a generation or more old, all of which corroborate the evidence collected by Cathey and Coggins.

9. In 1911, Mr. D. J. Knotts, of Swansea, South Carolina, published in the Columbia State a series of four articles, in which he presented a great array of evidence which I think will convince any unbiased mind that Senator John C. Calhoun was the father, and a young woman by the name of Nancy Hanks, who one time resided in what is now Anderson County, South Carolina, was the mother of a boy child who was afterwards known to the world as Abraham Lincoln, President of the United States. These articles may be purchased from the Columbia State by paying the prevailing stenographic price for copying them. During the year 1919, in an extensive correspondence with Dr. W. E. Barton, author of "The Paternity of Abraham Lincoln", Mr. Knotts wrote a large number



of letters which are printed in full in Dr. Barton's book, and which contain more evidence perhaps, than the articles in the Columbia State. This evidence will be discussed in detail in the next succeeding chapter.

I agree fully with Mr. Knotts that John C. Calhoun was the father of Lincoln, and that his mother's name was Nancy Hanks; but Mr. Knotts was mistaken in the identity of the Nancy Hanks whom he claims to have been the mother of the President, as will presently appear.

Mr. Knotts had an extended correspondence with a lady residing in California—a Mrs. Mahon, the daughter of the John Hanks who was associated with Abraham Lincoln in the rail-splitting business in Illinois. This John Hanks was the son of William Hanks and grandson of Joseph Hanks, who was the father of Lucy Hanks, President Lincoln's grand-mother. She was therefore the second cousin of Nancy Hanks, the President's mother. Mrs. Mahon wrote Mr. Knotts, among other things, that, "Thomas and Nancy (Lincoln) had one child, Sarah, and their friends after Nancy's death tried to fix the records to date back the marriage, and failed signally." Mrs. Mahon's letters to Mr. Knotts were furnished Dr. Barton, and several of them appear at pages 404 et seq., in his book, "The Paternity of Abraham Lincoln."

Mr. John E. Burton, of Lake Geneva, Wisconsin, to whom reference has already been made, wrote Dr. Barton, among other things, the following: "I believe that Abraham Lincoln was the first child born to Thomas Lincoln and Nancy Hanks. I do not believe there was a girl Nancy or Sarah born to them before Abraham was born. Why I so believe is that Abraham's second mother, or step-mother, was named Sarah Bush . . . . This woman had a daughter named Sarah. She and Abraham grew up as brother and sister. That in my opinion is the cause of the mix-up. In my opinion this story (of Lincoln's illegitimacy) is true. Lincoln himself knew the truth about it, and that is what made him habitually sad. The dark and oppressive shadow which ever hung over him made him gloomy, and at times almost drove him to despair. (Barton, 187.)

Mr. Herndon refers to three witnesses—John B. Helm, Austin Gallaher, and John Duncan, of Washington County, Kentucky, who state that they knew Abraham Lincoln when he was a small boy, and before any author contends that Thomas and Nancy were married. (Herndon, 14-15.)

In support of the foregoing voluminous evidence, I offer another circumstance which is entitled to be seriously considered. In 1896, Ida M. Tarbell wrote an article on "The Early Life of Abraham Lincoln", which was published in McClure's Magazine. In this article she quotes in full an affidavit of Dr. C. C. Graham, then of Louisville, Kentucky, but who formerly resided at Harrodsburg, Kentucky. The affidavit, after setting forth, among other things, that he and one other man were the only people living who were present at the marriage of Thomas Lincoln and Nancy Hanks, had this to say: "Some said that she (Nancy, Thomas Lincoln's first wife) died of heart trouble, from slanders about her and old Abe Enloe, called "Inlow", while her Abe, named for the pioneer Abraham Linkhorn, was still living." Five full pages of this article were devoted to evidence to prove that Dr. Graham was worthy of belief. This affidavit was made on March 20, 1882, seventy-six years after the wedding is said to have occurred, and when Dr. Garaham was in his one hundredth year. (Warren, 70.) Shortly thereafter Ida M. Tarbell published her four-volume edition of "The Life of Lincoln", and only a few excerpts from Dr. Graham's affidavit are included, and the preceding statement in reference to the "scandal" about Nancy Hanks and Abe Enloe is omitted altogether. Warren on page 70 of his "Parentage and Childhood of Lincoln", has what purports to be a copy of the Graham affidavit, and the same omission occurs there.

Now, have I satisfied the burden of proof with respect to the first issue, which I assumed when I admitted the presumption of Lincoln's legitimacy? Have I established the affirmative of the issue by the greater weight of the evidence? Let us see. There is no evidence to be found in any book or pamphlet written about Lincoln that any contemporary record was ever made of the date of his birth. There is no evidence that Thomas Lincoln, his putative father, or that Nancy Hanks, his mother, ever told Abraham that he was born February 12, 1809. The only evidence we have that such was the date of his birth is the entry made in his step-mother's Bible, and his statements to his biographers mentioned above. Lincoln furnished no evidence as to where or how he obtained his information; but as he was making the entries in his step-mother's Bible, the presumption is that he got his information from her. But Lincoln gave his intimate friend and law partner of twenty-five years association to understand that he was an illegitimate. He

made the same statement to Mr. Davis in 1860, who, in turn told Dr. Edgerton of Hendersonville. Mr. Newton says that Lincoln remained all his life ignorant of his own pedigree, thinking that he was born out of lawful wedlock, while Ward H. Lamon sums up his own investigations and the manuscripts of Herndon as proving that "Abraham Lincoln was of illegitimate origin and lived and died an infidel." When you add to all this the general and persistent report prevailing in a dozen different States long before the Civil War, during the War, and since the War, and consider all this evidence and the circumstances in connection with the proof collected by Mr. Cathey, Dr. Coggins, and Mr. Knotts; the positive statements by old people who knew Nancy Hanks in Gaston, Rutherford, and Swain Counties in North Carolina; in Anderson County, in South Carolina; and in Carter County, Tennessee—the conclusion is irresistible that Abraham Lincoln was of illegitimate birth. If he was legitimate, why is it that some man or woman who desires to apotheosize or immortalize him, almost every year produces a book, or at least a laborious argument, seeking to prove that he was of legitimate origin? What was the "skeleton" which Herndon avers was in Lincoln's house? What gave him that peculiar melancholy? What "cancer" had he inside? What was it that stamped his face with ineffable sadness throughout his life? Why was he so reluctant and averse to speaking about his ancestry? Why was it that when any reference was made to his mother he at once became reticent and refused to discuss her? What were the "ghostly" exposures which Herndon said appeared for the first time in the suppressed edition of his book? What were the facts which he communicated to Mr. Scripps concerning his ancestry, "which he did not want to have published then"? Why was it that the friends and admirers of Lincoln in the North suppressed Lamon's biography and the first edition of Herndon's biography, and sought to buy every outstanding volume for the purpose of destroying them? Why did not Ida M. Tarbell include in her four-volume *Life of Lincoln* all of the long affidavit of Dr. Graham, which she published in full in her magazine article a short time before, and which told the story of the "scandal" about Nancy Hanks and Abraham Enloe? Why was it that every entry in the Bible of Lincoln's step-mother which might have thrown some light on Nancy Hanks, his real mother, was defaced or destroyed, while the Bible was in the possession of those only who would have been



interested in concealing the facts? The answer to these questions is found in a principle of law which has come down to us from the Roman Civil Law expressed in the Latin Maxim, "*Suppressio Veri, Suggestio Falsi*", which, being interpreted means, "The suppression of the truth is equivalent to the asseveration of a falsehood." (22 C. J., 115; Hudson v. Jordon, 108 N. C., 12, 13.) And the admirers and friends of Lincoln who so palpably suppress the truth are in danger of bringing themselves within the condemnation of another Maxim borrowed from the Roman law, "*Falsus in uno, falsus in omnibus*," which in plain English means, "False in one thing, false in everything." (25 C. J., 662; Black's Law Dictionary.)

## CHAPTER XXII.

### ABRAHAM LINCOLN WAS A NATIVE OF THE CAROLINA MOUNTAINS—CONTINUED.

*And all these sayings were noised abroad throughout the hill country . . . And all they that heard them laid them up in their hearts, saying, What manner of child shall this be?*

LUKE, 1: 65 and 66.

With respect to the second issue proposed, Was Abraham Lincoln the illegitimate son of Senator John C. Calhoun of South Carolina, and the Nancy Hanks who was reared in the Carolina Mountains? I again assume the burden of proof, because the marriage and subsequent cohabitation of Thomas Lincoln and Nancy Hanks are sufficient foundation for the presumption that Abraham Lincoln was born in lawful wedlock, and that Thomas Lincoln was his father.

The Parentage and Childhood of Abraham Lincoln by Dr. A. L. Warren of Fort Wayne, Indiana, and the Paternity of Abraham Lincoln by Dr. W. E. Barton, of Oak Park, Illinois, are the fairest, frankest and most painstakingly written books on the parentage and childhood of Lincoln that I have found among the many I have read. If their proof fails on any given point, they frankly admit it. If their proof is conjectural and uncertain, they say so; and if their evidence is evenly balanced on any question, they leave it to the reader to form his own conclusions. Both of these books will be frequently referred to in the following pages.

Now let us proceed to locate the real Nancy Hanks, the mother of President Lincoln. In order to identify her among the multitude of Nancy Hankses who lived in her day, it will be necessary to follow a long and devious path. This path begins in Virginia and ends in Kentucky, or rather in Indiana. To make the quest more certain I shall start at both ends. Like the old darky preacher who, when he was making his announcements for the following Sunday, said: "On next Sunday mawnin' dey will be preachin' at Eas' End, and dey will be preachin' at Wes' End, and dey will baptize

babies at bofe ends!" Carolina Hanks Hitchcock, in the year 1900, published a book entitled "Nancy Hanks." She says at page 25 that Nancy Hanks was born February 5, 1784, and that she was the daughter of Joseph Hanks and Nancy Shipley Hanks, and that she was brought to Kentucky by her parents in 1789. Mrs. Hitchcock found at Bardstown, Nelson County, Kentucky, the will of Joseph Hanks, dated January 8, 1793, two years before his death. (For copy of will see Warren, pages 301-2) A wife named Nancy, five sons, Thomas, Joshua, William, Charles, and Joseph, Jr., and three daughters, Elizabeth, Polly, and Nancy, were made beneficiaries in this will. So far Mrs. Hitchcock is correct; but because the above named are the only children of Joseph and Nancy Shipley Hanks mentioned in the will, she infers that he had no other children, and she concludes that the Nancy Hanks mentioned in the will was the mother of Abraham Lincoln. In both these conclusions Mrs. Hitchcock is wrong. Mr. Knotts, in his painstaking investigation finds that the Nancy Hanks he believes to have been the President's mother was born on an unnamed date in 1783; that she was the daughter of Luke and Ann Hanks, and that about the same time that Joseph Hanks carried his daughter Nancy to Nelson County, Kentucky, Luke and Ann Hanks brought their Nancy to what is now Anderson County, South Carolina. Mr. Knotts found that Joseph and Nancy Shipley Hanks had twelve children instead of eight, as claimed by Mrs. Hitchcock. According to Mr. Knotts there were eight boys, Thomas, Joshua, William, Charles, Joseph, Jr., Richard, Luke, and James; and four daughters, Lucy, Mary, Elizabeth, and Nancy. Nancy, the daughter of Joseph Hanks, and Nancy, the daughter of Luke Hanks, were both born in Amelia County, Virginia, at about the same time, but neither of them was the mother of Abraham Lincoln.

Several years ago, the Board of Education of Gaston County, with the approval of the Historical Commission of North Carolina, appointed Mrs. Minnie Stowe Puett as the official historian of Gaston County. Thereafter, in 1919, Mrs. Puett published the "History of Gaston County." Mrs. Puett devotes all of Chapter XIII to the people who came from Amelia County, Virginia, and settled on the Catawba River in what was first Tryon County, which later formed Lincoln and Rutherford Counties. Gaston was formed from the southern part of Lincoln in 1846. I quote the following from Mrs. Puett's History: "Among the Scotch-Irish



pioneers of the southern part of the County were a few English . . . . Among those of English stock were the Hankses. Benjamin Hanks, the first of the family, so far as is known, to come to this country, settled in Massachusetts in 1699. One of his sons, William Hanks, came to Virginia. William had twelve children whose descendants formed a large community in Amelia County. From there they again migrated. Part came to what is now Gaston County, North Carolina, where some of their descendants are still living in Belmont, Dallas, Gastonia, and other places. Others went to Kentucky. There is proof that several other English families came here with the Hankses or joined them later, afterward going to Kentucky, where some of their relatives and friends were already making their home. Well-founded tradition says: 'The Lincoln and Hanks families were fellow Quakers in Pennsylvania where they lived a while before going to Virginia. From there Abraham Lincoln, father of Thomas Lincoln, and other emigrants, including Hankses, Berrys, and Shipleys (and Mitchells) came to North Carolina and settled on the Catawba River. The 1790 census locates them in Gaston County, then Lincoln. In the Shipley family were six girls, one of whom, Mary Shipley, married Abraham Lincoln, father of Thomas Lincoln. Richard Berry married Rachel Shipley, another of the Shipleys. Abraham Lincoln and wife had three children born in North Carolina: Mordecai, Josiah, and Thomas, the husband of Nancy Hanks. Later, Lincoln, with some of the Shipleys and Berrys emigrated to Kentucky. There Lincoln and his wife had two other children, Mary and Nancy Lincoln.' There are many descendants of the Shipley women, of other names, now living in Gaston County. A large group of Berrys are buried in the Goshen graveyard. One of them, Andrew Berry, was a Revolutionary soldier. The time the Hankses reached this section is obscure, but it is known positively that James Hanks was here as early as 1779. In that year there is a record of 'Marriage Bonds of Tryon and Lincoln Counties, N. C.,' that James Hanks married Mary Starrett. He was still living in the County, and was the head of a family when the first census was taken in 1790. Richard, or 'Dicky' Hanks as he was called, was also living in the County and was the head of a family at the same time. When the census was taken, the names of the two, supposed to have been brothers, were listed close together in what was called the 11th Company of Lincoln County in the Morgan District. There is positive proof that

they lived close together in the South Point section. 'Dicky' Hanks was an uncle of Nancy Hanks, the mother of Abraham Lincoln. She made her home with him on one of the bluffs overlooking the Catawba. The site of the cabin was often pointed out to the writer by her father, C. T. Stowe, who later came into the possession of the land. It is now owned by a son, Samuel Pinkney Stowe, who with another member of the family, erected a marker on the spot. It is a massive granite boulder, with a bronze tablet bearing a replica of a pioneer cabin and the following inscription: 'This stone marks the site of the log cabin of Dicky Hanks, an uncle of Nancy Hanks, mother of Abraham Lincoln. Nancy spent much of her girlhood here with her uncle.' The foundation stones on which the boulder was placed were once a part of the chimney of the original cabin . . . C. T. Stowe well knew the story of Nancy Hanks' residence here. He learned it from near neighbors of the Hankses with whom he was familiar and who knew Dicky and Nancy well. One of them was Mathew Leeper, a Revolutionary soldier, who lived near the future site of the Hanks home from the time of his birth in 1755 until his death in 1849. Hugh Ewing, another Revolutionary soldier, lived close by. He was listed in the same census as Dicky Hanks and Samuel Ewing, a son of Hugh of Revolutionary fame, who lived barely a stone's throw away . . . After the Hankses left the place, Mr. Ewing bought it and moved the logs of the Hanks cabin to his own home where they were built into a granary. The same logs were again moved by C. T. Stowe, who came into possession of the land, for his new home, and built it into a house for storing cotton. Again they were moved to another site on the C. T. Stowe farm where the cabin stands today, a reminder of a bit of history connecting Nancy Hanks, the mother of Abraham Lincoln, with the annals of Gaston County." (See *History of Gaston County*, pages 173 to 176, inclusive.)

A few weeks ago Mr. James W. Atkins, Editor of the *Gastonia Gazette*, and his son, were kind enough to conduct me down to Belmont, so that I might see with my own eyes the monument erected to the memory of Nancy Hanks and the cabin in which she lived as a child. The logs of the cabin are hewn from "heart pine", and are perfectly sound to this day. I here offer some evidence which corroborates Mrs. Puett overwhelmingly.

John T. Morse, in his *Abraham Lincoln, American Statesmen Series*, speaking of the elder Mordecai Lincoln's sons, at page 5 of

Volume I, says: "Of these, Abraham went to North Carolina, there married Mary Shipley, and by her had three sons, Mordecai, Josiah, and Thomas, who was born in 1778. In 1780, or 1782, as it is variously stated, this family moved to Kentucky."

A short time ago I was in the office of the Secretary of State at Raleigh and found on the land records there that on July 31, 1797, Richard Hanks filed Entry Number 2699, in Lincoln County, for fifty acres of land, calling for Catawba River, and also calling for running with his own line to certain other corners, indicating that at the time of this entry he owned other lands, which the entry called for. These "other" lands were the lands on which the cabin stood, which I have heretofore described. From the same record I found that Thomas Hanks entered ten acres of land on the South Fork of Catawba on January 11, 1800. This Thomas Hanks, according to the tradition around Belmont, was another brother of Richard Hanks, and the son of Joseph Hanks, who died in Nelson County, Kentucky.

So here are three brothers, all sons of Joseph Hanks, Sr., and Nancy Shipley Hanks, who settled in what is now Gaston County, North Carolina. But these three brothers are not the only children of Joseph Hanks who came with the other colonists to settle on the Catawba. A sister came also, and her name was Lucy Hanks, and she brought with her two little illegitimate girls, Nancy and Mandy. All three of them were living (during the childhood of Nancy and Mandy) with "Uncle Dicky" Hanks in the little log cabin on the bluffs above the Catawba near Belmont. Solicitor Ridings, speaking of the written history which his grand-father compiled regarding Nancy Hanks, in his affidavit says: "He hung Nancy Hanks on the Tanner family tree, claiming that Michael Tanner was the father of Nancy, by Lucy Hanks." (Coggins, 47, 48, 65, and 99.) Coggins says that this Michael Tanner was the Virginian that Abraham Lincoln had in mind when he told Hernon that his mother "was the daughter of Lucy Hanks and a well-bred but obscure Virginia planter."

We next find Dicky, Lucy, Nancy, and Mandy Hanks in the neighborhood of Rutherfordton, in Rutherford County. Dr. Coggins says: "Nancy was first known in the community about Rutherfordton as a little girl going about over the country with her mother, Lucy Hanks, who carried a little spinning wheel under her arm and spun flax for a living. They stayed a while at 'Granny'





HENRY W. GRADY



HOUSE IN WHICH HENRY GRADY LIVED  
AT HAYESVILLE, N. C.

Hollifield's, and also at Mr. Weber's. They were very poor. 'Dicky' Hanks, the uncle of Nancy (and Mandy), was supposed to provide a living for them, but he was a drunken and shiftless sort of fellow, and Lucy Hanks and her little girls, Nancy and Mandy, were thrown upon the mercy of the community. The people were very kind to them and not only gave them the customary price for work, but were glad to supplement this with little gifts and donations which were likely to add to their comfort and happiness. Going into a community they would make their home with one family until they had finished their work in that community." (Coggins, 4-5.)

At Rutherfordton, because Dicky Hanks spent all his earnings for liquor, he was put in jail and was compelled to make shoes, the proceeds of which were used for the benefit of Lucy Hanks and her children. (Coggins, 150.) And then the children were "bound out", Abraham Enloe taking Nancy when she was about ten years old, and a Mr. Pratt taking Mandy (Coggins, 100, 151; Cathey, 235, 236). Mandy when grown, married Samuel Henson, who moved to the west of the Blue Ridge, and their descendants still live in Haywood and Jackson Counties. (Cathey, 236.) About the year 1803, Abraham Enloe sold certain of his farms in Rutherford County, and moved to Ocona Lufty River in what is now Swain County, carrying with him his family, including Nancy Hanks. At about the time Nancy and Mandy Hanks were bound out, 'Uncle Dicky Hanks was burned to death in a house that was destroyed by fire. About the same time Lucy Hanks migrated to Kentucky. The exact date of her departure from North Carolina is not known, but it was not later than 1789, for on November 24, 1789, the Grand Jury of Mercer County, Kentucky, brought in an indictment charging her with fornication and adultery. (Warren, 62.) April 3, 1791, this same Lucy Hanks married Henry Sparrow. (Warren, 29.) After clearing his farm, and building his home on Ocona Lufty, Abraham Enloe became a merchant and a "stock-drover". "Abraham Enloe was a large stock-dealer for his day. It was his custom to drive annually horses, mules, and cattle to southern markets, and by this and the acquisition of large tracts of land and the slave trade, he accumulated considerable means and established a reputation at home and in the marts of the South, for preeminent judgment, and far-reaching business acumen. (Cathey, 137, 245.) Berry H. Melton, his nephew, who lived at the time and often



visited Abraham Enloe in his home, stated to Dr. Coggins: "Here (on Ocona Lufty), he built a house, and made this place his permanent home. He became well-off. He bought and sold slaves, raised mules, and was considered the leading man of the community. His wagon made annual trips to Augusta and Charleston, for salt, sugar, coffee, and other necessary articles." (Coggins, 154, 155.)

I will now ask you to take a trip with me to South Carolina, where we next find Nancy Hanks. Mr. D. J. Knotts has already been referred to in the preceding chapter as the author of the four articles in the *Columbia State*, in which he sought to prove that Abraham Lincoln was the illegitimate son of John C. Calhoun and a Nancy Hanks of South Carolina. Mr. Knotts also wrote Dr. Barton ten letters which are printed in Dr. Barton's "Paternity of Abraham Lincoln", a large volume of 414 pages; and Mr. Knotts' ten letters cover thirty-four pages of this book. As this book is more easily obtained than typewritten copies from the *Columbia State*, and as the letters in Dr. Barton's book contain all the evidence collected by Mr. Knotts, I shall hereafter cite the reader to the book rather than to the newspaper articles. These letters cover pages 113 to 146 inclusive of the Barton book aforementioned. Mr. Knotts tells us that in a community known as "Ebenezer" about half way between Anderson and Abbeville, South Carolina, there one time lived a large family by the name of Hanks. The head of this family was Luke Hanks and his wife was named Ann. Mr. Knotts says that this Luke Hanks was the youngest son of Joseph and Nancy Shipley Hanks, and that Luke, and two of his brothers, James and John, came from Amelia County Virginia, to what is now Anderson County, South Carolina; but that, later, James and John migrated to Kentucky. In this last statement Mr. Knotts is mistaken. James Hanks, the brother of Luke, may have come to South Carolina with Luke, but he afterwards settled in what is now Gaston County, North Carolina, and there married Mary Starrett, reared a family, and there died. His descendants live in Gaston County today. Joseph Hanks did not have a son named John. Mr. Knotts accepts as the children of Joseph and Nancy Shipley Hanks the list of children mentioned in the will of Joseph Hanks, and claimed by Mrs. Hitchcock to be his only children, and then adds Lucy, Richard, James, and Luke to make up the list of twelve which he contends was the correct number. Luke Hanks

died in 1789, in South Carolina, leaving a will by which all of his property was devised to his wife.

During the year 1807, and prior thereto, Ann Hanks owned and operated a tavern at a cross-roads village called Craytonville, about the half-way distance between Anderson and Abbeville. This tavern was subsequently owned and operated by the father of Judge James L. Orr, and the illustrious son was probably reared in this tavern. In 1849, while John C. Calhoun and General Burt were in Congress from South Carolina, this same Judge Orr, already elected, but not yet having commenced his service, went to Washington to acquaint himself with the operations of the body over which he was destined to preside as Speaker in the 35th Congress. He was a member of Congress continuously from 1849 till 1859. While there on the visit referred to, he saw Abraham Lincoln, who was then finishing his single term from Illinois, and he was so deeply impressed by the striking resemblance of Lincoln to the men of the Hanks family in Anderson County, South Carolina, among whom he had grown up, that he sought an introduction, and mentioned this remarkable resemblance; and Lincoln replied by saying that his mother's name was Nancy Hanks. Judge Orr then sought to pursue the discussion, but Lincoln, following his lifelong custom when his mother's name was mentioned, drew about him his cloak of reserve, refused to answer questions, and walked away. So greatly was Judge Orr's curiosity aroused that when he returned to Anderson he went to see the members of the Hanks family at Ebenezer, and in all of its details they told him the story of John C. Calhoun's connection with Nancy Hanks and her removal from the State in the early part of the nineteenth century. And this, briefly, is the story they told: John C. Calhoun at that time lived in what was known as the "Pendleton District", his residence being at Abbeville, and had just begun the practice of the law. As he traveled to and from his Courts, it was his custom to stop at the old tavern in Craytonville, kept by Ann Hanks, the widow of Nancy Hanks' Uncle Luke. The will of Luke Hanks was dated May 17, 1789, and was probated in Abbeville County October 7, 1789, and Luke died some time between the aforementioned dates. (Barton, 401, 402.) Here at this old tavern John C. Calhoun and Nancy Hanks became involved in an illicit love affair, and, when Nancy's condition became known, the Hanks clan called upon Calhoun for reparation. They met at the old tavern, Calhoun

being present in person, and Nancy also being present in person, and represented by the men and women of the Hanks family; thereupon both Calhoun and Nancy Hanks confessed their sin, both of them acknowledging that Calhoun was the father of Nancy's unborn child. Calhoun agreed to pay Nancy five hundred dollars to enable her to leave the country, so that the scandal might not hurt him, with the understanding that Nancy was to have time in which to communicate with a relative then living in Tennessee to whose home she desired to go. (Barton, 122, 133.) The Hanks family also told Judge Orr that on this particular occasion *Abraham Enloe*, who was on his way South from Ocona Lufty, North Carolina, with negroes and stock for sale, spent the night at the Hanks tavern, which was directly on the route from Ocona Lufty to Augusta and Charleston. With Enloe, as a hired hand, was *Thomas Lincoln*, and following the settlement of the difficulty with Nancy, Calhoun hired this Thomas Lincoln for a paid consideration of five hundred dollars to take Nancy on his return trip with Abraham Enloe to North Carolina. Mr. Knotts says also that the Hankses told Judge Orr that Nancy went from South Carolina with Enloe and Lincoln and that little Abe was born on the way and was subsequently taken to Kentucky. (Barton, 122.)

Judge Orr was a great man in South Carolina and the Nation. He was for ten years a Member of Congress and was Speaker of the House of Representatives in the 35th Congress. He was Governor of South Carolina, and in 1870 President Grant appointed him Ambassador to Russia. He died in St. Petersburg in 1872. Mr. J. B. Lewis, an old gentleman of Anderson, told Mr. Knotts that he was for years Secretary of the Masonic Lodge at Anderson, and while he was preparing Judge Orr's credentials to carry with him to St. Petersburg the Judge talked freely to his brethren in the Lodge about the Calhoun-Nancy Hanks story hereinbefore recited, and there declared that he had so fully investigated it that he was fully satisfied of its truth. (Barton, 122.) Judge Orr also stated that General Armistead Burt, who married Calhoun's niece, was in possession of the facts, and that in the privacy of his own home he gave the details, in confidence, to a group of young lawyers, who in after years repeated the story to others. (Barton, 121.) Judge Orr was the brother-in-law of Mrs. Fannie Marshall, a second cousin of John C. Calhoun. He told her and her husband what he had learned from the Hanks family, and they admitted the truth



of the story, the Hanks family having also told the facts to Dr. W. C. Brown, the brother of Joe Brown, the "War Governor" of Georgia.

Mr. Knotts requested Mrs. A. C. Latimer, widow of South Carolina's Senator, A. C. Latimer, to procure for him a statement from her mother, who, after the death of Dr. Brown had married a Mr. Byrd. She was in declining health, but furnished the signed statement which is in part as follows: "In 1856 I married Dr. W. C. Brown, of Belton. Very shortly after my removal to my new home (in Anderson County, S. C.), Uncle Johnnie Hanks, a patron, came to Dr. Brown for medicine for some of his family. Dr. Brown in my presence asked him was there any good ground for all this talk about Calhoun and Lincoln? The old gentleman replied very decidedly, 'I am sorry to tell you, Doctor, there is' . . . . When the family found out that Nancy had sinned and gone astray, she asked to be allowed to stay till she could get away to her Uncle's, as best I remember, in Tennessee; that Calhoun had promised her \$500.00 to take her away where it would not hurt him . . . . Just at this time Thomas Lincoln appeared, with Enloe, as helper with horses, and solved the trouble. He became the scape-goat for Calhoun's sins." (Barton, 133, 134, and 116, 117.)

There is another version of the Calhoun tradition which I here offer in support of the truth of Mr. Knotts' investigation, but which differs from it in one unessential detail. In 1921 and 1922, the Rhodolite Company of New York as the lessee of my client, the Carolina Abrasives Company, constructed a large mining plant on the property of the last named Company in Jackson County, North Carolina. The engineer of the Rhodolite Company was Captain R. S. Perry, a native of Rhode Island, and brother of Bishop Perry of the Episcopal Church. He owned a large plantation and Colonial Mansion at Cave Springs, Georgia, but maintained his principal Engineering offices in New York City. I have visited him a number of times in his Georgia home and in his New York quarters and offices, and he has spent many days and nights in my home. He was a chemist of very high reputation, and he discovered, during the World War, a perfect counter-actant or antidote for the deadly gas that was then being used by the Germans. Our War Department having been fully convinced of the efficacy of this discovery, the Government spent many millions of dollars in the construction, under Captain Perry's supervision, of three separate

plants for the manufacture of this product. Captain Perry was a great admirer of Lincoln, and I had him read Mr. Cathey's book, "The Genesis of Lincoln", which presents the theory that Lincoln was the illegitimate son of Abraham Enloe and Nancy Hanks. Some time after Captain Perry left this section, he wrote me, in his own hand-writing, a letter, which I still have in my files, and in this he said a hardware salesman had spent the previous week-end with him in his New York quarters. On Sunday morning one of the New York papers carried an article touching Lincoln's origin and childhood, and while discussing this article Captain Perry told this salesman the substance of Mr. Cathey's book, to which he replied that Mr. Cathey was mistaken as to the paternity of Lincoln; that his father was John C. Calhoun, the salesman further stating in this connection that he was a direct descendant—a great-grandson of Calhoun. He said that it had always been definitely understood by each succeeding generation of the Calhoun family that Lincoln was the son of the old Senator by Nancy Hanks. He told Captain Perry substantially the same story as that written by Mr. Knotts, as hereinbefore related, but he said he had understood that Calhoun lived with his mother at or near Abbeville, and that the family, desiring to have the services of a white servant girl, Calhoun, knowing Nancy Hanks at Craytonville, induced her to go to the Calhoun home at Abbeville, or perhaps to the home of his brother-in-law, Dr. Waddell, under whose instruction Calhoun had been prepared to enter college. But that, whatever the place, while Nancy was there Calhoun got her into trouble. When Nancy's condition became known, she was required to leave, and upon her return to Craytonville the settlement with Calhoun followed, and she was sent to North Carolina. For my purpose it makes no difference whether the trouble occurred in the home of Nancy's Aunt Ann Hanks at Craytonville, or in the Calhoun home at Abbeville. The main point involved in this discussion is whether John C. Calhoun was the father of Abraham Lincoln. I have heard a story of a group of prominent negroes standing on the sidewalk engaged in a heated argument as to whether the Scriptures say that Solomon visited the Queen of Sheba, or the Queen visited Solomon. Failing to agree they decided to leave it to the first man passing by, who happened to be the colored preacher. They submitted the controverted question to him and he replied: "Bredren, for lo, dese many yeahs, I'se been ponderin' over dat question my own se'f, but I never is been

able to satisfy my own min' as to whedder Solomon visit de Queen or de Queen visit Solomon; but dey is one 'clusion dat I is been able to reach dat is satisfactionary to my own min', and dat is dat dey sho' wuz some visitin' done!"

Another incident of considerable weight, related to Captain Perry by this descendant of Calhoun, was that he had a great-aunt who had lived in Charleston. As a girl she attended a school in Illinois and had a school-mate from Springfield who was a friend and admirer of Lincoln. These girls formed a friendship which lasted through their lives. Sometime after the War between the States this Springfield lady visited her girl-hood friend in Charleston. Upon going down to see the old Slave Market near which stands a large statue of John C. Calhoun, the Springfield lady exclaimed: "I had always understood that Charleston and all of South Carolina were hot-beds of rebellion. I never dreamed that either would erect, or permit to be erected within its borders a life-size statue of Lincoln!" To which the Charleston lady, a granddaughter of Calhoun, replied: "That is not a statue of Abraham Lincoln, but of his father, John C. Calhoun." I have heard of other members of Calhoun's family, nephews, nieces, and grand-children, as making substantially the same statement as that made to Captain Perry by a great-grandson of the illustrious Senator, but have been unable to obtain them in concrete form.

I have in my files a statement dictated to me at my sister's home in Whiteside Cove in Jackson County, on the morning of May 25, 1941, by Mr. H. C. Miller, a prominent lawyer of Anderson, South Carolina.

I have been told by citizens both of North and South Carolina, that Mr. Miller is one of the ablest lawyers in his State today.

In order that the reader may be in better position to form an estimate of his character and the weight to be given his statement, I here call attention to the fact that Mr. Miller's grandfather on his mother's side was the Honorable Harry Pinkney Walker, who for many years (including the period covered by the War between the States) the British Consul at the Port of Charleston, South Carolina. He was also one of the Counsellors of the Court of Queen's Bench in England in the Reign of Queen Victoria. Mr. Miller's grandfather on his father's side was Dr. H. C. Miller, an eminent physician in his day, of Pendleton, South Carolina, and Mr. Miller's father was Washington Miller, a prominent South



Carolina citizen, who was usually known as "Watt" Miller. Ressie E. Miller was the daughter of the above named, Dr. H. C. Miller, and the sister of "Watt" Miller, and therefore the aunt of the Mr. Miller who dictated the aforementioned statement to me. Ressie E. Miller married Judge John J. Hook, and they lived many years at or near Fort Hill (now Clemson College), South Carolina, where John C. Calhoun's mansion is situated, and where the old Senator resided when he was not in Washington. Mrs. Hook's grand-father on her mother's side was Zachariah Tolliver, who came from Virginia, and settled first at Rutherfordton, North Carolina, but in 1789, settled at Pendleton, South Carolina, where the Courthouse of the Pendleton District was situated. This Mr. Tolliver was a lawyer of great ability, a contemporary of John C. Calhoun, and they, with General Armistead Burt, and others, "rode the Circuit" together, attending the Courts of the different Districts. The Mrs. Hook above referred to was a highly educated lady, and was said to have been the best authority on local history in upper South Carolina. She died in 1934, at the age of eighty-eight years, and was buried in the cemetery of the Episcopal Church in Pendleton.

Mr. Miller dictated the statement to me that his aunt, Mrs. Hook, had often told him the story of John C. Calhoun's illicit love affair with Nancy Hanks, as it had been repeatedly related to her by her brother, "Watt" Miller, and her father, Dr. H. C. Miller. The story was that Anne Hanks kept a tavern at the village of Craytonville, halfway between Anderson and Abbeville, South Carolina. In connection with the tavern Anne Hanks operated a bar, and she had in her employ, as bar-maid, her niece, Nancy Hanks; that Calhoun, with other lawyers and Judges often stopped at this tavern for the night or for the noon-day meal. In the meantime, Calhoun became enamored of Nancy Hanks, and the trouble followed, resulting in the birth of a boy child to Nancy, to whom she gave the name of Abraham, and that this boy was later known as Abraham Lincoln.

Mrs. Hook also said that after Nancy's condition became known it was arranged that she should leave the State, and a stock-driver from North Carolina, by the name of Abraham Enloe, who had a hired man with him by the name of Thomas Lincoln, were spending the night at the Hanks Tavern, and conveyed Nancy back to North Carolina

Mrs. Miller, the wife of H. C. Miller, was present on the occasion when he dictated the aforementioned statement, and she said that on repeated occasions Mrs. Hook had related the same facts to her, as she had to her husband, also. Mrs. Miller also said that Mrs. Fannie Marshall, the second cousin of John C. Calhoun, and sister-in-law of Judge James L. Orr, told her the same story, in all its details, as related to her by Mrs. Hook.

Mr. Miller stated that his grand-father, Dr. H. C. Miller, and John C. Calhoun were life-long intimate friends, often visiting in each other's homes, and that on the occasion of one of his return trips from Washington to his home, Calhoun brought with him a steel engraving of himself which he gave to Dr. Miller, which he kept and prized until his death, when the members of his family gave it to the ladies composing the society that has charge of the Calhoun Mansion at Clemson, and the engraving has since been hanging on the walls of the reception room in that mansion. On a recent visit to the Calhoun Mansion I saw the engraving with my own eyes.

Mr. Miller told me that he was the youngest child in a family of eight. When his father died Mr. Miller was unable to finish his college course, so he went to New York to work for an older brother. Patrick Calhoun, the grand-son of John C. Calhoun, was a very wealthy man, and was at that time residing in New York City. He and Mr. Miller's father, "Watt" Miller, had been life-long and intimate friends, as Dr. H. C. Miller and John C. Calhoun had been. One day Mr. "Pat" Calhoun, as he was called, came to see Mr. Miller and told him that on account of his affection for his deceased father he desired, at his own expense, to send him (H. C. Miller) through the University of Virginia, and then assist him through law school. Mr. Miller accepted this generous offer, and accordingly attended that University for one year. In the meanwhile Mr. Calhoun, on account of some financial reverses, could not assist Mr. Miller further, but he obtained a legal education on his own account, and thereafter developed into the very able lawyer that I know him to be today. He also dictated the statement to me that on one occasion Mr. Patrick Calhoun told him that his grand-father, John C. Calhoun, was the father of Abraham Lincoln by a girl of the name of Nancy Hanks. He told Mr. Miller that he and his family were not proud of the fact, but that it was an admitted and well established fact, recognized by

the Calhoun family, that Abraham Lincoln was the illegitimate child of Nancy Hanks and his grand-father, John C. Calhoun. He told Mr. Miller that the Calhoun family had endeavored to prevent the publication of the affair, but that the facts could not be disputed or denied. Mr. Miller assured me that if I would again visit Anderson I could find numerous witnesses to verify the foregoing statements of the members of the Calhoun family and their intimate friends, but in view of the convincing evidence already presented, other statements would be merely cumulative and therefore unnecessary.

Mr. William H. Abernathy, one of the rapidly rising young lawyers of Charlotte is a native of South Carolina, and was educated at Clemson College. Under date of June 19, 1941, Mr. Abernathy wrote me a letter which I have in my files, and from which I quote the following: "During the years 1917 to 1921 I was a student at Clemson College, South Carolina, and was graduated in the Class of 1921. The College is located on the former plantation of John C. Calhoun, and the dormitories are within a stone's throw of the old Calhoun Mansion, which was the home of John C. Calhoun during the latter part of his life. The proximity of the Calhoun Mansion naturally stimulated the interest of the students in matters pertaining to his life and history. One subject of frequent discussion among the students was the report that John C. Calhoun was the father of Abraham Lincoln. Among my associates in the student body this report was generally accepted as true. I was informed by some students who studied history under Professor A. G. Holmes, who has been for many years head of the history department at Clemson, that Professor Holmes, in discussing this matter in the class room, expressed his belief that the report is true."

I asked Mr. Abernathy to write Professor Holmes and request a statement from him. Professor Holmes replied under date of June 24th. Mr. Abernathy gave his letter to me. Among other things, Professor Holmes made the following statement, which I quote: "This has been a legend of many years' standing (the Calhoun paternity of Lincoln) in Abbeville and Anderson Counties. I have known a number of people from these sections who accept it as a fact."

Honorable Thomas G. Clemson was John C. Calhoun's son-in-law. His private library is in the possession of Clemson College.



It has, for a long time, been rumored that in that library there are documents that prove beyond all peradventure that John C. Calhoun was the father of Abraham Lincoln by Nancy Hanks. The rumor also is that these documents are not open to the public, and that, notwithstanding such rumor, no one has been heard to deny the existence of the documents referred to. If you ask me why? my answer is that Echo answers Why?

I have no positive proof as to how Nancy Hanks reached South Carolina after Abraham Enloe brought her, with the rest of his family, from Rutherford to the new home on Ocona Lufty. That he did so bring her to his new home with his family is a fact as well established as any fact can be proved by human testimony. But the logical inference is that she had gone with Enloe on one of his trading trips to Charleston or Augusta, with live-stock and slaves, and Craytonville was directly on the route leading from Swain County to these markets.

Mr. Knotts tells of a Court proceeding in Anderson County brought in 1842, by Valentine Davis and his wife Jane, against all the heirs of Luke and Ann Hanks for the purpose of selling her lands for a division of the proceeds among the heirs, Jane Davis being one of them. On account of a defect in this proceeding it was dismissed and another one brought. Dr. Barton, after much trouble, procured the list of heirs mentioned in both suits, copies of such lists appearing at pages 222 to 224 of his book, *Paternity of Lincoln*. Dr. Barton said these lists come from Judgment Roll Number 286 in the office of Probate (now Clerk of the Circuit Court) of Anderson County, South Carolina. When I read of this proceeding I went to Anderson and copied the record myself. But the Judgment Roll I found was number 964. The list of heirs given numbers fifty-six in all of three lists, twenty-seven of whom are named as nonresidents of the State, and the names do not correspond. There are some by the name of Haynie, some by the name of South, but most of them were Hankses. Among the Hankses were the names of Mary Hanks, Lucinda Hanks, Elizabeth Hanks, Nancy A. Hanks, and *Nancy Hanks*. This is as the names appear in the original summons, which was returned "not served" as to twenty-seven of the defendants, including the five last above mentioned; but a rule to show cause was issued against the same twenty-seven defendants, naming them as nonresidents, and the Lucinda Hanks mentioned in the summons is referred to, in the rule to show cause,

simply as "Lucy" Hanks. The Nancy A. Hanks mentioned in these proceedings was the youngest child of Luke and Ann Hanks. Mr. Knotts believed her to have been the mother of President Lincoln. This could not be so, for this Nancy Hanks, as shown by the records, married a man by the name of South and by him reared a large family. I think Mr. Knotts was led into this error because he found Lucy, Mary, Elizabeth, and Nancy in the list, those being the names of the four daughters of Luke's brother Joseph Hanks of Virginia and Kentucky. Mr. Knotts entirely lost sight of the last Nancy Hanks mentioned in this record, who was the niece of Luke Hanks. I maintain that the last named Nancy was the illegitimate child of Joseph Hanks' daughter Lucy, of Amelia County, Virginia, who lived with her mother and Uncle 'Dicky' in Gaston and Rutherford Counties, North Carolina, and was taken by Abraham Enloe to Swain County, then to Anderson County, South Carolina, where she had the trouble with Calhoun, and was then taken back to North Carolina by Abraham Enloe and Thomas Lincoln.

We next find Nancy Hanks in Abraham Enloe's home on Ocona Luffy, in Swain County, North Carolina, and she was about to become a mother, and then the trouble began. Of course, Mrs. Enloe was jealous, as so clearly proven by Cathey and Coggins. Nancy Hanks had been reared in her home from the time she was eight or ten years of age; but now she was a full grown woman and fine-looking. As already stated, Enloe was making these frequent trips to South Carolina. Nancy had come home with him in this delicate condition. No doubt Thomas Lincoln, Enloe, and even Nancy had all told Mrs. Enloe that Calhoun had acknowledged that he was the father of Nancy's unborn child, and had paid Nancy five hundred dollars to leave South Carolina, and had paid Lincoln an additional five hundred dollars as the consideration for bringing her back to North Carolina. But the circumstantial evidence was too strong for Mrs. Enloe, and it all pointed strongly to her husband's guilt. Nothing but the removal of Nancy would satisfy her, and her husband began to take active steps for Nancy's removal. Several of the witnesses introduced by Mr. Cathey and Dr. Coggins say that Felix Walker, the first Congressman from the Carolina Mountains, and a great friend of Abraham Enloe, brought Nancy to his home in Haywood County, six miles North from Waynesville, where she stayed until her child was born. Several of the witnesses say that the child was born at Enloe's home on Ocona Luffy; others say

that he was born at the Walker home in Haywood County, while Dr. Coggins contends, and offers evidence tending to show that he was born at the old Enloe homestead in Rutherford County, then occupied by a tenant. This place was not sold by Enloe until October 25, 1807, when he sold it to one Mark Byrd. (See Book 29-31, at page 115 Record of Deeds, Rutherford County.) Ever since Lincoln was nominated for President this place has been known as "Lincoln Hill". It is said that, after Nancy was removed from Enloe's home, the neighbors, not knowing just what had become of her, began to suspect that Lincoln had killed her and there was considerable talk of lynching him. (Coggins, 27, 66.) But Felix Walker had Michael Tanner, her alleged father, to bring Nancy and her child by his house and then on to Enloe's home to satisfy the angry neighbors. (Coggins, 26, 27.) But the problem was not yet solved. Nancy and her child were now back in the home of Abraham Enloe, and Mrs. Enloe, naturally feeling that "distance lends enchantment to the view", insisted upon their complete removal. Thomas Lincoln had performed his contract with Calhoun by bringnig Nancy to North Carolina. He had earned his five hundred dollars and his obligation had been fully discharged. So Abraham Enloe contracted with Thomas Lincoln to take Nancy and her child, Abraham, beyond the boundaries of North Carolina, marry Nancy, and assume the paternity of her child, agreeing to pay him for this service five hundred dollars in money, a wagon and a pair of mules. (Coggins, 42, 142, 158; Cathey, 236.) Both Mr. Cathey and Dr. Coggins offer evidence which tends to prove that a Mrs. Thompson, Enloe's married daughter, took Nancy and her child home with her to Kentucky. I think the evidence is sufficient to prove that Mrs. Thompson did assist in the removal, but the greater weight of the evidence is that Nancy, little Abraham, and Thomas Lincoln stopped for a considerable time in Tennessee before going to Kentucky. Mr. J. P. Arthur in his History of Western North Carolina says at pages 322-323: "The lady referred to by Colonel Davidson was a visitor in the home of Felix Walker, one of whose sons she afterwards married; and it was while there, according to her statement to her niece, that she had seen Abraham Enloe call Felix Walker to the gate and talk earnestly with him, and when Mr. Walker returned to the house he told Mrs. Walker that Enloe had arranged with him (Walker) to have Nancy taken to Tennessee instead of Kentucky, and that



thereupon Mrs. Walker remarked that Mrs. Enloe would be "happy again". Mr. J. P. Arthur, author of *History of Western North Carolina*, gave Mr. Knotts the information in 1911, that a daughter of Abraham Enloe, when she was quite old, made the statement twenty-five years before, that she could well remember, back when she was eight or ten years old, there was a young girl by the name of Nancy Hanks and a young child in her father's home, and that an old colored woman who was formerly one of Enloe's slaves, asserted that when she was nearly grown there was a young girl by the name of Hanks and her baby in her master's home, and that it caused "Old Mis' much trouble." This old lady also asserted that her oldest sister, Nancy, who had married a John Thompson, took Nancy Hanks home with her to Tennessee. Mr. Knotts found that this John Thompson owned a tract of land in Carter County, Tennessee, and that the records there show that he sold this land in 1809. J. J. Enloe, who died only a few months ago, was the son of Wesley Enloe, and the grandson of Abraham Enloe. He was my brother-in-law, we having married sisters. Upon the death of his father he succeeded to the ownership of the old Abraham Enloe home farm, and there reared his family. He told Mr. Knotts that he remembered his father's sister, Polly Mingus, who often spoke of her knowledge of the residence of Nancy Hanks and her child in her brother's home. Mr. Enloe also told Mr. Knotts that "Aunt Millie", a very old negro woman, who had been his grand-father's slave and had told his father and mother (Wesley Enloe and wife) that she knew the young girl Nancy Hanks well, and that it (she) caused "Old Mis' a heap of trouble." (Barton, 122, 123.) Haywood County was formed in 1808. In the office of the Clerk of the Superior Court of that County, there appears in the old record of "Administrators' Accounts and Settlements" the report of the settlement of Abraham Enloe's estate. As it appears on this record Nancy Enloe Thompson is named as a nonresident of the State, and there is a record of sixteen negroes, and one is listed as "Millie", and described as "active, heatry, and intelligent, but old."

Now let us locate Thomas Lincoln in the State of Tennessee. Abraham Lincoln, in a letter to John Chrisham in 1860 says: "My grand-father's Christian name was Abraham." He had four brothers—Isaac, Jacob, John, and Thomas. (Warren, page 3.) Again he

said: "He (my grand-father) had three sons: Mordecai, Josiah, and Thomas, the last my father." (Warren, 38.)

John T. Morse, in his Abraham Lincoln, American Statesmen Series, speaking of the elder of Mordecai Lincoln's sons, at page 5 of Volume I, says: "Of these, Abraham went to North Carolina, there married Mary Shipley, and by her had three sons, Mordecai, Josiah, and Thomas, who was born in 1778. In 1780 or 1782, as it is variously stated, this family moved to Kentucky. There, one day in 1784, the father, at his labor in the field, was shot by lurking Indians. His oldest son, working hard by, ran to the house for a gun; returning toward the spot where lay his father's body, he saw an Indian in the act of seizing his brother, the little boy named Thomas. He fired with happy aim; the Indian fell dead and Thomas escaped to the house. This Thomas it was who afterward became the father of Abraham Lincoln." Of the other sons of Mordecai (great uncles of the President) Thomas also went to Kentucky, *Isaac went to Tennessee*, while Jacob and John Stayed in Virginia." (See also McClure's Early Life of Lincoln, page 223.)

That Isaac Lincoln lived on the Watauga in Tennessee is a fact proved both by tradition and the records. The records in Carter County, Tennessee, show many conveyances both to and from Isaac Lincoln. Many of the biographers of Lincoln say that this family name, especially in Virginia, was spelled and pronounced "Link-horn." (See Lamon, quoted by Cathey, pages 225-239.) There is a deed of record in Carter County, Tennessee, which is indexed under the name of "Isaac Linkhorn", but the signature at the end of the deed is "Isaac Lincoln". (See Book "B", page 14, of Carter County Deed Records.) The records show several tracts of land owned by Isaac Lincoln. The will of Isaac Lincoln bears date April 22, 1816, and the original is on file in the Office of the Clerk of the Circuit Court of Carter County, and by this will all of the property of Isaac Lincoln was devised to his wife, Mary. On a farm a few miles from Elizabethton, which the records show was formerly owned by Isaac Lincoln, and near the little Hunter railroad station, is a tombstone bearing the inscription: "Sacred to the memory of Isaac Lincoln, who departed this life June 10, 1816, age about 64 years."

Mrs. Hitchcock in her book "Nancy Hanks", at page 56 says: "Thomas Lincoln had been forced to shift for himself in a young and undeveloped country." Most of Lincoln's biographers agree

that the foregoing statement is true. Herndon, in Volume I at page 8, says: "Thomas was roving and shiftless . . . was careless, inert, and dull." Abraham Lincoln himself says that "before he (Thomas) was grown he passed one year as a hired hand with his Uncle Isaac on Watauga, a branch of the Holston River; getting back into Kentucky and having reached his twenty-eighth year, he married Nancy Hanks, the mother of the present subject, in the year 1806." This statement is quoted from the sketch prepared by Lincoln for the Scripps biography in 1860. (Warren, 41, 58.)

Dr. Warren endeavors to show by the tax records of Hardin County, Kentucky, that Thomas Lincoln was absent from that State only one year, the year 1798, that being the only year a tax was not listed against him. But as every one knows a tax may be listed against a person when he is a nonresident, and there were two other men by the name of Thomas Lincoln living there at the time. From the foregoing statement of President Lincoln to Scripps, there is a permissible inference that Thomas was absent a sufficient time to allow him to work for a while for Abraham Enloe. He had time to go with Enloe to South Carolina and bring Nancy back to the Enloe home on Ocona Lufty, and he had time to go with her and her child Abraham to Carter County, Tennessee; the distance from Craytonville, by way of Ocona Lufty to Elizabethton, Tennessee, not being greater than two hundred miles, and it is much less than one hundred miles from the Enloe home to Carter County.

Mr. D. J. Knotts, above quoted, in 1913, two years after the publication of his articles in the Columbia State, obtained evidence that Thomas Lincoln and Nancy Hanks went from the home of Abraham Enloe to the home of Thomas Lincoln's brother on Lynn Mountain, some five miles above the town of Elizabethton, on the Watauga River. Mrs. W. S. Tipton, a great-niece of Mrs. Isaac Lincoln, wrote Mr. Jenkins from her home in Texas, that in early life she had seen a chimney on the side of Lynn Mountain where once a house stood whose foundations were still visible, and that her grand-mother told her that Thomas Lincoln and Nancy Hanks once lived in that house. (Barton, 127.) Mr. Knotts incorporated this evidence in a letter written in 1913 to James D. Jenkins, who was for a great many years Recorder of Deeds for Carter County, Tennessee. Mr. Jenkins made an investigation on his own account, and found a well defined tradition through the older people then



living that the old people of the former generation said that Thomas Lincoln and Nancy Hanks lived for a time as common law husband and wife on Lynn Mountain and had with them a boy child named Abraham. In confirmation of this tradition I call attention to a deed dated March 13, 1834, to *Mordeca* Lincoln and John Berry of the Counties of Green and Carter, recorded in Book D, at page 373 in Carter County. Thomas Lincoln had a brother named Mordecai, and the difference in the spelling of the Christian name of the Lincoln named in the deed could be a mistake of the draftsman. This deed may or may not be evidence that Thomas Lincoln's brother lived in Carter County at the time Mr. Knotts says that Thomas Lincoln and Nancy Hanks lived on his land in that County. This "Mordeca" Lincoln mentioned in this deed, could not have been the son of Isaac Lincoln, for it appears that he had but one son, and he was drowned before he was grown. (See Arthur's History of Western North Carolina, pages 324-325.) At all events it is said that Thomas Lincoln was so shiftless that his Uncle Isaac drove him away and Nancy Hanks left with him. (Arthur, 322.) And so it appears that Thomas Lincoln did not at once carry out his agreement with Abraham Enloe to marry Nancy Hanks and assume the paternity of her child. In the meantime Enloe had not paid to Thomas the wagon, team, and \$500.00 that he had agreed to pay as the consideration for marrying Nancy; and the next thing we hear from them is that Enloe and Thomas have had a desperate fight. Lamon, in his Life of Lincoln, says: "They fought like savages; but Lincoln obtained a signal and permanent advantage by biting off the nose of his antagonist, so that he went bereft all the days of his life, and published his audacity and its punishment wherever he showed his fame." (Cathey, 227.) Berry H. Melton, who was Enloe's nephew and was living at the time, thus described the fight to Dr. Coggins: "Uncle refused to pay him the full amount, and they had trouble. Lincoln got drunk and threatened Enloe and they got into a fight . . . They fought just like bull dogs. Old Lincoln got uncle down and bit off the end of his nose. After the fight between Lincoln and Enloe they made friends, and Tom Lincoln brought Nancy and little Abe over the mountains to Enloe's, now of Swain County. Thomas recovered from his fit of anger with Enloe . . . and he made this a peaceful visit. But it had a business side to it. Tom needed that mare and mule and a little pocket change that he was

to get from Enloe for taking care of Enloe's boy, Abraham. The matter was compromised by Enloe paying Lincoln fifteen dollars in money, and a mare and a mule." (Coggins, 159.) Thomas and Nancy then went back to Carter County, Tennessee, for James D. Jenkins was told by the old people in the neighborhood of Lynn Mountain that they had been told by the old people who lived back at the time in question, that Thomas and Nancy Lincoln went to Kentucky by way of Stoney Fork Creek and Bristol and that Nancy was carrying Abraham in her arms. (Arthur, 321.)

So, they reach Kentucky, and there we connect with Judge Gilmore's testimony hereinbefore referred to, that he knew Nancy Hanks before she was married, and that she then had a child she called Abraham . . . . After Nancy was married to the man Lincoln, the boy was known by the name of Abraham Lincoln . . . . That he knew him well and attended the same school with him." (Cathey, 54, 55.) We here refer again to the testimony of Judge Peters, who swore in an affidavit that, in his long professional and judicial career extending over a period of sixty years, he had never heard the fact of Abraham's illegitimacy disputed; and that Jesse Head asserted that Abraham was a little boy big enough to run around when he performed the marriage ceremony for Thomas Lincoln and Nancy Hanks. (Barton, 73.) I call attention, too, to Herndon's witness—John B. Helms, who often saw little Abraham sitting on a nail keg in a store eating candy; John Duncan, who saved him from drowning while they were trying to "coon it" across Knob Creek on a log; and Austin Gallaher who helped him catch a ground-hog, when Abraham had to run a quarter of a mile to a blacksmith shop to get an iron hook with which to pull the ground-hog from a crevice between two rocks—all of which was before Thomas Lincoln and Nancy Hanks were married. (Herndon, 14, 15.)

Now let us see whether the Nancy Hanks I have been describing fits the description of the President's mother. Abraham Lincoln told Herndon that his mother's name was Nancy Hanks, and that she was the daughter of Lucy Hanks and a well-bred, but obscure Virginia planter. I think that it may be assumed that Lincoln knew the name of his mother and his grand-mother. Mr. Herndon spent twenty years collecting material for his "Life of Lincoln", and it is said that he interviewed every member of the Hanks and Lincoln families then living in Kentucky. He says himself that he obtained

most of his information about the early childhood and family connection of Lincoln from Dennis Hanks, the first cousin of the Nancy Hanks who Dennis says was the President's mother; and from John Hanks, who was Nancy's second cousin. Both of these men were closely associated with Lincoln till he ran for President, and the one was his second and the other his first cousin. While Herndon was procuring material for his "Life of Lincoln" Dennis wrote him a letter from which I quote the following excerpt: "My mother and Abe's mother's mother were sisters. Abe's grand-mother was Lucy Hanks, which was my mother's sister. The woman that raised me was Elizabeth Sparrow, the sister of Lucy and Nancy. The other sister, her name was 'Polly Friend'. So you see there was four sisters that was Hankses." (Warren, 21.) Dr. Barton, summing up the evidence obtained by Herndon from the Hanks family, as a whole, says: "Nancy Hanks was the daughter of Lucy Hanks. Her mother was one of four sisters, Lucy, Betsy, Polly, and Nancy. Betsy married Thomas Sparrow; Polly married Thomas Friend; Nancy married Levi Hall, but not until she had given birth to Dennis Hanks. Lucy became the mother of Nancy Hanks and subsequently married Henry Sparrow." (Barton, 218.) Nicolay and Hay give the same list of the Hanks sisters. (See Abraham Lincoln, Volume I, page 24.) Lamon gives the same list. (See Life of Abraham Lincoln, pages 11, 12.) The Lucy Hanks in the preceding lists is the same Lucy who brought her two little illegitimate girls to the home of her brother Dicky Hanks near Belmont on the Catawba, and later lived with them in Rutherford County, until they were adopted by Enloe and Pratt. So let us next identify Lucy's daughter as the Nancy Hanks we have traced from Amelia County, Virginia, to Gaston, Rutherford, Haywood, and Swain Counties, North Carolina; then to Anderson County, South Carolina, back to North Carolina, then to Carter County, Tennessee, and finally to Washington, Hardin, and LaRue Counties, Kentucky.

Mrs. Caroline Hitchcock in her "Nancy Hanks", contends that the youngest daughter of Joseph Hanks, Sr., of Nelson County, Kentucky, was the mother of the President. This could not be because it overwhelmingly appears that after giving birth to Dennis Hanks, her illegitimate son by one Charles Friend, she married Levi Hall, and by him reared a family. Dennis Hanks, her illegitimate son, recognized her son by Hall as his half brother, although no record of this marriage has ever been found. (Warren, 20, 28.)



Mary Hanks, sometimes called Polly, married Thomas Friend, December 10, 1795. Elizabeth Hanks (commonly called Betsy), on October 17, 1796, married Thomas Sparrow. (Warren, 28.) Lucy, after being indicted in Mercer County for fornication and adultery, on the third day of April, 1791, married Henry Sparrow. Miss Ida M. Tarbell gives the same ancestry for her Nancy Hanks. (See page 8, Volume I.) Mrs. Hitchcock gives the following description of the physical appearance and characteristics of this Nancy Hanks: She was "bright, scintillating, noted for her keen wit and repartee; she had withal a loving heart." (Hitchcock, page 57.) "Traditions of Nancy Hanks at this time (that is, the time of her marriage) all agree in calling her a beautiful girl. She is said to have been of *medium height*, weighing about 130 pounds, *light hair*, beautiful eyes, a sweet sensitive mouth, and a kindly and gentle manner." (See page 59.) In another place she says, "that when Nancy Hanks went to her cousins, Frank and Ned Berry (sons of Richard Berry) the legend is that her cheerful disposition and active habits were a dower to those pioneers." (See page 73.)

Here is Herndon's description of the President's mother, the real Nancy Hanks: "At the time of her marriage to Thomas Lincoln, Nancy was in her twenty-third year. *She was above the ordinary height in stature*, weight about 130 pounds, was slenderly built, and had much the appearance of one inclined to consumption. *Her skin was dark; her hair brown; eyes gray and small; forehead prominent; face sharp and angular, with a marked expression of melancholy which fixed itself in the memory of all who knew her. Though her life was seemingly beclouded by a spirit of sadness,* she was in disposition amiable and generally cheerful." (Herndon, Volume I, page 10.)

As before stated, Ward H. Lamon purchased Herndon's manuscripts before writing his Life of Lincoln, and he thus describes Nancy: "A slender symmetrical woman, of medium stature, a *brunette, with dark hair*, regular features, and soft, sparkling, hazel eyes. Tenderly bred, she might have been beautiful; but hard labor and hard usage bent her handsome form, and imparted an unusual coarseness to her features, long before the period of her death. Toward the close, *her life and her face were unusually sad*, and the latter habitually wore the woeful expression which afterwards distinguished the countenance of her son in repose." (Page 11 of Suppressed Edition.)

And J. G. Holland, in his *The Life of Abraham Lincoln*, thus describes her: "Mrs. Lincoln, the mother, was evidently a woman out of place among those primitive surroundings. She was five feet, five inches high, a *slender, pale, sad, sensitive woman*, with much in her nature that was truly heroic, and much that shrank from the rude life around her." (See Warren, pages 72 and 73.) Warren says that all of these informants could not possibly have had the same person in mind in the foregoing descriptions. (Warren, 73.) I maintain that Herndon and Lamon, having obtained their information from Dennis and John Hanks, were describing the President's mother, and perhaps Holland was too; for he agrees with Herndon and Lamon that she was a *sad, sensitive woman*, although he does not agree as to her stature, and is silent about the color of her hair. Let us now see whether these descriptions fit the Western North Carolina Nancy Hanks.

In 1910 an article was written jointly by Mrs. Minnie Stowe Puett and Mrs. Adelaide Smith Beard which was given wide publication through the newspapers at the time. Further reference will be made to this article, but I here quote the following description of Nancy Hanks: "She is described as having *dark hair, sallow complexion, and of sad and thoughtful countenance*. Little else is known of her personality, but all the world knows her as Nancy Hanks, the mother of Abraham Lincoln." (See Coggins, page 56.) The Mrs. Puett above mentioned is the author of *History of Gaston County* hereinbefore cited. Berry H. Melton, the nephew of Abraham Enloe, when he was ninety years of age told Dr. Coggins: "I knew Nancy when she was a girl. We were children together, and played together many a day. I'm telling you what I know to be true. And Nancy remained in my uncle's home until she was grown. I visited my uncle many times while Nancy was there. She was a very bright girl, attractive and good looking. *She was rather tall and her hair was black.*" (Coggins, pages 150, 151.)

From the foregoing six descriptions of Nancy Hanks, it will clearly appear that if Herndon, Lamon, Holland, Berry H. Melton and Mrs. Puett and Mrs. Beard were actually describing the President's mother, Mrs. Hitchcock was describing an entirely different woman. It is apparent that her description, which was adopted by Miss Tarbell, was intended for the Nancy Hanks who was admittedly the daughter of Joseph Hanks, and who was mentioned as one of the beneficiaries in his will, already referred to.

But Dr. Warren says that "this theory cannot be maintained," and from all the evidence I am fully convinced that his conclusion is correct. (Warren, page 34.) This being so, then the biographies of Mrs. Hitchcock and Miss Tarbell, so far as they relate to the identity of the President's mother, are entitled to no further consideration and should be dismissed as evidence. So, having exploded their theory as untenable, Dr. Warren proceeds to create a Nancy Hanks for the occasion. We are told in Grecian Mythology that Minerva (Athena), the Goddess of Wisdom and Modesty, sprang full grown from the brow of Olympian Jove, and with all deference to Dr. Warren, it appears to me that this new Nancy Hanks whom we now meet for the first time, surely sprang from the vivid imagination of Dr. Warren. Her existence is proved by a vague tradition which is supported by the testimony of only two witnesses.

Mrs. C. S. H. Vawter, on February 20, 1874, wrote and had published in the Louisville Courier, a letter from which I quote on the question involved, as follows: "As I remember the story of Nancy Hanks, it ran thus: Her mother's name before her marriage was Shipley and one of her sisters married a Mr. Berry; another sister married Robert Mitchell who also came to Kentucky about the year 1780. While on the journey the Mitchells were attacked by Indians and Mrs. Mitchell fatally wounded and their only daughter, Sarah, a child eleven years old, was captured and carried into Michigan, where a squaw saved her life by hiding her behind a log. Mr. Mitchell mounted his horse and accompanied by his friend, General Adair, went in search of his daughter, but was drowned in the Ohio River while attempting to cross it. The sons of this father and mother were afterwards scattered to different parts of the State. One of them, Daniel, settled in Washington County, on the Beech Fork a few miles from Springfield, and near his two cousins Frank and Ned Berry. To these cousins came Nancy Hanks, and the legend is that her cheerful disposition and active habits were a dower to these pioneers. Soon after the Mad Anthony Wayne Treaty with the Indians in 1794 or 1795 the lost Sarah was returned to her friends, and lived in the home of her uncle Richard Berry with her cousins Frank and Ned Berry and Nancy Hanks until both girls were married. These girls were as intimate as sisters." (Warren, 64, 65.)

The other witness of the tradition relied on by Dr. Warren is



Robert Thompson, from whose notes Dr. Warren quotes the following: "My mother was a Mitchell, a first cousin of President Lincoln's mother, their mothers were Shipleys from North Carolina. My mother was captured when a girl in 1790 by the Indians twenty-five miles beyond Crab Orchard, at a place called Defeated Camp. Walter Caruth was leading the expedition . . . Grand-mother was struck down but grandfather stood by with a spear and carried her to Crab Orchard Fort. She died the next day. My grandfather went in search of my mother and was drowned on one of his trips in the Clinck River. He and General Adair were swimming the river and he was thrown from his horse. My mother was surrendered under Wayne's Treaty . . . Nancy Hanks, Abraham Lincoln's mother, also went to live with Uncle Richard Berry, and Aunt Rachel, his wife, taught Nancy to spin and weave." (Warren, 31.)

It appears from both of the foregoing statements that there were three of the Shipley sisters but the first name of but one of them is given—that of Rachel, who married Richard Berry. Mrs. Hitchcock, in her book, *Nancy Hanks*, relies on Mrs. Vawter's statement to support her belief that the Nancy Hanks named in the will of Joseph Hanks as his daughter, was the mother of Lincoln, while Dr. Warren, frankly admitting that the President's grand-mother was a Lucy Hanks, and reasoning from both the statement of Mrs. Vawter and that of Robert Thompson, infers that one of the Shipley sisters *might* have been named Lucy; that Joseph and Nancy Hanks *might* have had a son other than the five mentioned in the will above referred to; that this imaginary unnamed son *might* have married the unnamed Shipley girl; that they *might* have had a child named Nancy Hanks, who lived in the home of Richard Berry and later married Thomas Lincoln and became President Lincoln's mother. A doubtful solution of doubtful doubts! This process of reasoning calls to my mind the reply of our old family dorky made to me when I asked him what he was going to have for his Christmas dinner: "Well suh, *iffen* I had some ham I would have ham and eggs, *iffen* I had some eggs."

Dr. Warren nowhere in his book suggests a name for this imaginary son of Joseph Hanks. He frankly admits if such a man ever existed there is no evidence as to what his first name was. In the Index to the Volume, *The Parentage and Childhood of Lincoln*, this imaginary Hanks is referred to as "Hanks, \_\_\_\_\_,

grandfather of President Lincoln." (Warren, 376.) However, since the publication of his book, he suggests a name, but does not give the source of his information. The Lincoln National Life Foundation, of Fort Wayne, Indiana, of which L. A. Warren is Director, publishes each week a bulletin containing interesting items relating to the origin, life, and works of Abraham Lincoln. I receive this periodical as a gratuity, by virtue of the courtesy and kindness of Dr. Warren himself. The issue of June 13, 1938, under the title, "The Relatives of Lincoln's Mother", the bulletin begins with the following statement: "The names of the relatives of Lincoln's mother appearing in this bulletin are listed *on the assumption* that Nancy Hanks was the only child of James and Lucy Shipley Hanks. Parents: Hanks (James) died before 1790, son of Joseph and Nancy Hanks. Hanks, Lucy Shipley (1765-1825), daughter of Robert and Sarah Shipley." Then follows a long list of supposed relations of the President's mother. To this admission that this alleged lineage of the President's mother is based on an assumption Dr. Warren, with his usual candor, adds the following admission: "I do not assert that I have been able to present positive evidence that the maternal grandmother of Abraham was Lucy Shipley Hanks." (Warren, 35 and 36.) Dr. Warren at page 36 of his splendid book makes this statement: "There were eleven white souls in the Virginia home of Joseph Hanks in 1782, as shown by the first census. At the time he made his will in his Kentucky home ten years later, there was one missing. This may have been the grand-father of Abraham Lincoln, husband of Lucy Shipley Hanks." Of course he *may* have been, but *he was not*. This is the James Hanks that Dr. Warren has labored so industriously to discover or create. At the time of the first census, he was living in Gaston County, North Carolina, as the head of a family, having married Mary Starrett, and his name appears in the Clerk's office in Gastonia in the record of the census in 1790. (History of Gaston County, page 174.) But to clinch my argument that the Nancy Hanks I have been writing about was the mother of the President, I here show that ex-Sheriff Martin of Rutherford County, a very fine old gentleman, who has now passed away, told Mr. Coggins that when Lincoln was nominated for President, several old people of Rutherford County, who had known Nancy Hanks as a girl, wrote to friends of theirs who had moved from Rutherford County to that part of Kentucky where Lincoln spent his childhood, and

received letters in reply asserting that the Nancy Hanks who was the President's mother was the same Nancy Hanks who had been reared to womanhood in Rutherford County. (Coggins, 3.) And the two men by the name of Davis from Illinois, but had formerly lived in Rutherford County, North Carolina, told Dr. Edgerton that Lincoln told them his mother had often said to him that she at one time lived in Rutherford County. (Cathey, 66.)

In the next and concluding chapter which will present the third issue hereinbefore proposed, I shall discuss the competency of the evidence herein arrayed, and its relevancy, weight, and probative force.



## CHAPTER XXIII.

### ABRAHAM LINCOLN WAS A NATIVE OF THE CAROLINA MOUNTAINS—CONCLUDED.

*There be three things that are too wonderful for me, yea, four which I know not: the way of an eagle in the air; the way of a serpent upon a rock; the way of a ship in the midst of the sea; and the way of a man with a maid.*

PROVERBS, 30: 18 and 19.

Solomon has been reckoned among the wisest men the world has ever known. He is said to have been unusually popular with the ladies. In fact, he was so exceedingly popular that he had seven hundred wives and three hundred "lady friends." His experience with the gentler sex was varied and extensive, and of course, seldom, or never, equaled. If, with all his wisdom and all his experience, he was unable to understand the "way of a man with a maid", I feel that it would be an extravagant waste of time for me, with only one wife and no lady friends at all, to undertake to solve the problem. I shall be content if I am able, from among the thirteen women living at the same time within the radius of a few hundred miles, all of whom bore the name of Nancy Hanks, to find the mother of President Lincoln, when it is conceded that he was the son of one of them; and to ascertain which of the nine men accused was the father; and to determine, from among the fifteen places pointed out as the place of his nativity, just where, or, at least, in what State his birth-place really was.

I cannot qualify as an expert on the subject of "the way of a man with a maid"; but if I may do so with becoming modesty, by virtue of my long experience as a lawyer and a Judge, I will venture to say that I believe I can form an intelligent opinion and reach a definite conclusion upon questions of family relationships, after a fair and impartial investigation of the facts. For example, the following situation in respect to a family relationship was presented to me for my

solution, and I reached, what appears to me to be, the only logical answer.

Some years ago Joe Calloway, with his wife and a grown-up son, named Bill, lived near Highlands in Macon County. In the same community there lived a man by the name of Reuben Smith, who had a wife and a grown-up daughter whose name was Sallie.

Eventually Mrs. Calloway died and left surviving her old man Joe, her husband, and their son, Bill. At about the same time old man Smith died leaving surviving him his widow and their daughter, Sallie.

A little later on, old man Joe Calloway married Sallie, the daughter of the widow, and shortly thereafter Bill, old man Calloway's son, married the widow Smith.

As the result of these marriages Bill became the father-in-law of his own father, because his father had married the daughter of Bill's wife; but Bill also became the step-father of his own father, because his father had married Bill's step-daughter. By the same token, Sallie became the mother-in-law of her own mother because her mother had married Sallie's step-son.

Now, old man Calloway was Bill's father; but he was also Bill's step-son and his son-in-law at the same time because he had married the daughter of Bill's wife. And Bill's wife, the former widow Smith, was Sallie's mother; but she was also the step-daughter and the daughter-in-law of her daughter Sallie because she had married the son of Sallie's husband.

Sometime after these marriages a daughter was born to the old man Calloway and Sallie, and they named her Mary. At about the same time a son was born to Bill Calloway and his wife, the former widow Smith, and they gave him the name of Sam. Now Mary and Bill were sister and brother because they were children of the same father; but Mary being the sister of Bill, was also the aunt of Bill's son Sam. Sam and Sallie were brother and sister also because they were the children of the same mother; but Sam, although he was Sallie's brother, was likewise the uncle of Sallie's daughter Mary. Bill, however, being both the father-in-law and step-father of Sallie, became the grand-father of Sallie's daughter Mary because Bill was the husband of Mary's grand-mother, the former widow Smith; while Sallie, as the mother-in-law and step-mother of Bill, became the grand-mother of Bill's son Sam, because Sallie was the wife of Sam's grand-father, old man Calloway. So Bill was Mary's

brother and her grand-father at one and the same time, and Sallie was Sam's sister and his grand-mother at the same time.

Now Bill's son was Bill's father's brother-in-law because he was the brother of old man Joe Calloway's wife; but he was also Bill's uncle because he was the brother of Bill's step-mother; and Mary was also Bill's step-sister because she was the daughter of Bill's step-mother; but Mary was likewise Bill's grand-child because she was the grand-child of Bill's wife. So Bill's wife became Bill's grand-mother, because Bill was his wife's husband and her grand-child at one and the same time, and as the husband of one's grand-mother is necessarily his grand-father, Bill became his own grand-father.

By virtue of the same relationship Sallie's daughter Mary was Sallie's mother's sister-in-law because she was the sister of the widow Smith's husband; but she was also Sallie's aunt because she was the sister of Sallie's step-father; but Sam was also Sallie's step-brother because he was the son of Sallie's step-father. But he was likewise Sallie's grand-child because he was the grand-child of Sallie's husband. So Sallie's husband became her grand-father because Sallie was her husband's wife and his grand-child at one and the same time, and as the wife of one's grand-father is necessarily her grand-mother, Sallie became her own grand-mother! If the reader agrees that I have correctly solved the foregoing problem, I do not see how he could question my ability to solve the Lincoln-Hanks mystery.

Was Abraham Lincoln born in the Carolina Mountains? In the discussion of this issue I again assume the burden of proof because Lincoln himself said: "I was born February 12, 1809, in the then Hardin County, Kentucky, at a point within the now County of LaRue, a mile or a mile and a half from where Hodgen's Mill now is. My parents being dead, and my own memory not serving, I know of no means of identifying the precise locality. It was on Nolin." (See data supplied for Hick's biography in 1860. Warren, 75.)

Cathey offers evidence tending to show that Lincoln was born in the Abraham Enloe home in Swain County. (Cathey, 65.) Cathey offers other witnesses whose statements strongly indicate that Lincoln was born on Jonathan's Creek in Haywood County, six miles North of Waynesville. (Cathey, 56.) He offers several witnesses whose testimony is simply to the effect that Lincoln was born in Western North Carolina. (Cathey, 61.)



On the other hand, Dr. Coggins offers numerous witnesses who testify to the tradition that Lincoln was born at the old Enloe homestead on Puzzle Creek in Rutherford County, and two or three of these witnesses state that they saw Nancy Hanks there with a boy child, named Abraham, and at least one of them held him in her arms. (Coggins, 44, 46, 48, 50, 52, 68.)

Altogether, Cathey and Coggins offer a host of witnesses, twenty or thirty in all, who testify to the general reputation that the child, who was later to become President of the United States, was born at one or the other of the place indicated above. There is one witness who says that Lincoln was born on Lynn Mountain, near Elizabethton, Carter County, Tennessee; but I think this position is untenable, as there is abundant proof that Thomas Lincoln and Nancy Hanks took Abraham there from the Enloe home pursuant to the above-mentioned contract between Enloe and Lincoln. Still, there is some evidence that Tennessee was the birth-place. So, he had three different birth-places in North Carolina, and one in Tennessee, and Dr. Warren says that eleven different places are pointed out in Kentucky as the birth-place of the President, two being in Bourbon County, one in Washington County, four in Hardin County, and four in what is now LaRue County. Thus the alleged birth-places total fifteen in all. (Warren, 75 and 76.) This situation suggests the story of the colored preacher's text. He said: "Bredren, I forgot to bring my Bible dis mawnin', but you alls will find my tex' somewhar' between its two lids, and it reads dis way: 'If you alls 'spects to go to heaven when you die, you must be bo'n agane and agane'."

For the specific purposes of my argument, it makes no difference to me whether the birth occurred in Swain, Haywood, or Rutherford County. It is my purpose to prove that Abraham Lincoln was a native-born son of the Western Carolina Mountains. I respectfully submit that the evidence here offered is abundantly sufficient to satisfy any unprejudiced or unbiased mind as to the truth of my assertion. I wish to state here that I had personal acquaintance with most of the witnesses offered by both Cathey and Coggins. They were people of the highest character and their testimony cannot be lightly considered by a court or by the reader of history. The witnesses introduced, aside from those I knew, all seem to have been men and women of high repute. The witnesses to the Calhoun tra-

dition and the Tennessee tradition appear also to have been men of position and character. And much of the evidence offered, in support of the affirmative of all three of the issues here discussed, comes within Ridpath's definition of real history, as it consists of the evidence of "eye witnesses and ear witnesses contemporary with the facts described;" while the evidence which fails to measure up to this requirement was so near in point of place and time to "the event and the record which preserved the story . . . we may allow to the tradition a weight almost equal to that of true historical value." (Ridpath's *With the World's People*, Volume I, page 51.) Not only that, but the evidence here offered would be legally competent in any Court of justice. I quote from Volume 10 of *R. C. L.*, pages 962, 963, 964 and 965, as follows: "Generally speaking, the existence of a fact cannot be proved by reputation or notoriety. But on inquiring into the truth of facts which happened a long time ago, the Courts have varied from the strict rules of evidence applicable to facts of the same description happening in modern times, because of the difficulty or impossibility, by the lapse of time, of proving these facts in the ordinary way, by living witnesses.

"On this ground, hearsay and reputation (which latter is no other than the hearsay of those who may be supposed to have been acquainted with the fact handed down from one to another) have been admitted as evidence in particular cases . . . . Another recognized exception to the hearsay rule relates to family tradition or pedigree. Such evidence is admitted because it is the best that the nature of the case admits; and because greater evils are apprehended from rejection of such evidence than from its admission, the law has relaxed the general rule and allowed the exception. The rule of law, admitting hearsay evidence in cases of this sort, rests upon the presumption that the declaration, family history, or family tradition, constituting the evidence offered, comes from persons having competent knowledge in respect to the subject matter of the declaration, family history, or tradition . . . . The term 'pedigree' embraces not only descent and relationship, but also the facts which go to make up pedigree, such as birth, death, and marriage. Accordingly, general reputation and tradition in a family of the death of one of its members . . . . and the date of a person's birth may be testified to by members of his family, although they may know of the fact only by hearsay founded on family tradition . . . .

*Reputation in the families of the father and mother is evidence as to the legitimacy of the child."*

Hearsay is always admissible to prove death, birth, marriage (except on indictments of bigamy), and other facts of family relationship and history when there is not direct evidence obtainable, or in corroboration or contradiction, upon the ground that it is the best evidence obtainable. (*Turner v. Battle*, 175 N. C., 219.)

Justice Walker of the North Carolina Supreme Court discussing this character of evidence, has this to say: "Reputation and tradition are the methods of proof by which pedigree and kindred matters are established. They are considered by the law as reliable and trustworthy, and therefore have long been admitted as evidence. This kind of testimony is not weakened, but rather strengthened by age and the long continuance of the reputation. Any tradition that can survive the lapse of sixty-eight years is not to be discredited on account of that fact, but our confidence in its truthfulness should be increased thereby, as it improves by age, and the long period of its existence and the continuity of the tradition but show its persistence." (*Medlin Board of Education*, 167 N. C., 244-245.)

It is true that the last quotation is from a dissenting opinion, but the rule as quoted, has been repeatedly held to be the law both before and since the case cited was decided.

When it is permissible to prove a fact by tradition or reputation, the fact may be proved by such evidence alone in the absence of positive evidence to the contrary. I here concede that but for the evidence in support of the Calhoun tradition, the tradition and reputation offered by Cathey and Coggins tending to prove that Abraham Enloe was Lincoln's father would be abundantly sufficient for that purpose. They contend, with considerable force, that after Nancy Hanks' condition became known in Enloe's family, his conduct and activity in getting Nancy out of the country constitute strong proof that he was Lincoln's father, in that it would tend to show Enloe's guilt. I concede that his conduct would be susceptible of that construction. But his conduct may also be attributed to other motives as well. Nancy was reared in his home, the associate of his own children, from the time she was eight or ten years of age. His relation toward her had been that of a father. He found her in trouble in South Carolina and allowed Lincoln to bring her to his home. Fatherly affection for her would have been his natural



feeling and this could account for his activities in her behalf. His efforts to help her could also be attributed to a selfish motive. The situation in his home had become extremely embarrassing and was daily growing worse. Indeed, one witness, who spent a night in the home while Nancy was there and before her child was born, said that Enloe told him that Mrs. Enloe was mad and about to tear up the place; that she had not spoken to him in two weeks; and that the trouble was about Nancy Hanks. This witness further said that Mrs. Enloe did not speak to her husband while the witness was there. (Cathey, 56.) He was naturally willing to do anything within the bounds of reason to get Nancy away and restore peace in his household, even to the extent of agreeing to pay Thomas Lincoln a wagon, a team, and \$500.00 in money to take her beyond the boundaries of the State. He was like the husband whose wife suspected he had fallen in love with a beautiful girl who was staying in their home. One day at the dinner hour the wife told her husband that, if he would stay with the baby a little while, she would go up to the store on a little shopping expedition, and he readily agreed. She left her husband, the baby, and the girl in the dining room, but instead of going to the store she walked around the block, came in the back way, and suddenly jerked open the dining room door. There stood her husband kissing the girl as though she were the sweetest thing in the world. The wife yelled at her husband: "O, yes, you rascal! I have caught you now!" He sprang through the window and started running around the side of the hill as if a tribe of hobgoblins were after him; but the wife, suddenly repenting, stuck her head out of the window and called: "It's all right, Bill. Come on back; I feel all right about it now." Bill did not decrease his speed, but, looking back over his shoulder, replied: "I don't give a d—n how you feel about it. My idea is, that since I have such a good start, it will make me feel better to run two or three miles anyhow!"

So it will be seen that Enloe's conduct would not necessarily indicate his guilt; and in this state of the case both justice and law come to his aid. Our Supreme Court has said upon this question: "When the act of a person may reasonably be attributed to two or more motives, the one criminal and the other not, the humanity of our law will ascribe it to that which is not criminal. It is neither charity nor common sense nor law, to infer the worst intent the facts will admit of. The reverse is the rule of justice and law. If the

facts will reasonably admit of an intent, which though immoral is not criminal, we are bound to infer that intent." (State v. Massey, 88 N. C., 660.) Not only is the foregoing true regarding Enloe's efforts to get Nancy out of the country, *but it is also true that not one of the large number of witnesses introduced by Cathey and Coggins ever asserted or in the remotest manner intimated that either Abraham Enloe or Nancy Hanks had acknowledged that Enloe was the father of Nancy's child.* And the large number of witnesses offered by Cathey and Coggins in their effort to prove that Enloe was Lincoln's father, will be found, when their statements are analyzed, merely to have been asserting their own opinions and conclusions, based largely upon the circumstantial evidence and suspicions and conjecture, which surrounded Enloe. But in the case of Calhoun we have an entirely different situation. Whether the trouble occurred in the old Hanks Tavern in Craytonville, or in the Calhoun home in Abbeville, Calhoun *acknowledged* both by word and conduct that he was the father of Nancy's child; and Nancy, both by word and conduct *admitted* it. Calhoun confirmed and ratified his acknowledgment of the paternity of the child by the payment of the aforementioned consideration to Nancy and to Thomas Lincoln. It was imperative that Nancy be removed from the State in order to save the reputation of Calhoun, the young lawyer and aristocrat. That was not Nancy's permanent home any way. She was merely the niece of Luke Hanks, and no doubt was only temporarily employed as bar-maid in his tavern. To this arrangement Nancy gave her full consent and acquiescence. There was no doubt of Calhoun's guilt. It was attested by all the Hanks family—Nancy's cousins—to Judge Orr. It was told to Judge Orr by Mrs. Fannie Marshall, the second cousin of Calhoun, and her husband, as it was to Mrs. H. C. Miller by Mrs. Marshall. It was told to a crowd of young lawyers by General Burt, Calhoun's contemporary and associate in the Courts in the practice of law. It was told to Mrs. Hook by her father, Dr. H. C. Miller, the intimate friend of Calhoun. It was told in Charleston by Calhoun's granddaughter to her old school-mate from Illinois. It was told to Dr. W. C. Brown and his wife by Uncle Johnnie Hanks, who had first-hand knowledge of the facts. And it has been told by the grand-son and the great-grand-son of Calhoun himself, as shown by the statements hereinbefore appearing. Not only that, but the witnesses testifying to the Calhoun paternity were the members of

the Hanks and Calhoun families and their intimate friends, and were therefore reluctant and unwilling witnesses, and this adds great weight to their testimony. So in Calhoun's case there was no doubt of his guilt; while in the case of Enloe there was ample room for reasonable doubt.

The evidence of Calhoun's acknowledgment of the paternity of Nancy's child is competent on the ground that it was a declaration against interest, because, first, Calhoun, the declarant, is now dead; second, the declaration was against his pecuniary interest; third, he had competent knowledge of the fact declared; and, fourth, he had no motive to falsify the fact declared. (Smith v. Moore, 142 N. C., 377; Hagar v. Whitener, 204 N. C., 747.) The evidence is also competent on the ground that it is an admission on the part of Calhoun that he was the father of Nancy's child. An admission, in law, is the voluntary acknowledgment of the existence of a fact, of which it is evidence in the sense that it dispenses with proof of it. (22 C. J., 296. *Note.*)

If the father of an illegitimate child was guilty of a crime then, as the law provides in most States now, Calhoun's declaration and conduct would be competent as a confession; and a confession, in law, is the voluntary declaration made by a person who has committed a crime upon or with another, acknowledging his agency or participation in the crime; and a confession is deserving of the highest credit, because it is presumed to flow from the strongest sense of guilt, and is the highest evidence of truth even in cases affecting human life. (State v. Livingston, 200 N. C., 810.)

Would Calhoun have acknowledged that he was the father of Nancy's child if it were not true? Would an innocent man have settled with Nancy, and paid her \$500.00 to leave the State, and paid the additional sum of \$500.00 to Thomas Lincoln to take Nancy out of the State? Is not Calhoun's conduct equivalent to a confession of guilt? Would Nancy have acquiesced in all these arrangements, if Calhoun had not been the father of her child? Can there be any doubt that the four Hanks women named by Dennis in his aforementioned letter to Herndon, one of whom was his mother, and the other three his aunts, were the four daughters of Joseph and Nancy Shipley Hanks, and the sisters of Dicky Hanks of Belmont, North Carolina, with whom the President's mother resided when she was a child? And if this be conceded, can there be any doubt that this Nancy was the daughter of Lucy



Hanks, and that Dennis Hanks was the son of her sister Nancy, who sometime after the birth of Dennis married Levi Hall? And if this be conceded, can there be any doubt that the Nancy Hanks who lived in the home of Abraham Enloe in Rutherford County, and went with him to Swain County, and then to South Carolina, was the mother of President Lincoln? And if this be conceded, does the positive, competent, and relevant evidence here introduced admit of any reasonable doubt that John C. Calhoun, the great "Nullifier", was the father of Abraham Lincoln, the great "Emancipator"?

Now it is no answer to my argument to say that my dates and the Nancy Hanks whom I contend was the President's mother do not fit the situation. I have shown that my Nancy Hanks came down with the Colony from Amelia County, Virginia, to what is now Gaston County, North Carolina. She lived there as a child with her uncle "Dicky" Hanks. She went to live with Abraham Enloe when she was eight or ten years old, and went with his family to Ocona Lufly when she was eighteen or twenty years of age. This gave her ample time to go to South Carolina, and there get into trouble with John C. Calhoun, and then come back to North Carolina, and then go to East Tennessee as the common law wife of Thomas Lincoln, before going to Kentucky.

If it shall be said that John C. Calhoun was not admitted to the Bar until 1807, and that that would be too late a date for the Nancy Hanks who married Thomas Lincoln in Kentucky in 1806 to have been in South Carolina, my reply is that Calhoun was educated largely by his brother-in-law in Abbeville, and in those old days, both in North and South Carolina, young men were admitted to practice in the County Courts long before they were admitted in the Superior Courts. So Calhoun may have practiced law years before he graduated from the Litchfield Law school and was admitted generally in 1807. Not only that but Nancy may have been a servant in the Calhoun family, and got into this trouble with Calhoun before he practiced law at all. So my dates substantially fit the entire situation. The numerous traditions as to the paternity of Lincoln hereinbefore enumerated, are merely tradition, and have no basis in fact, and need not be discussed. The main fight for the honor of being the father of Lincoln is between Abraham Enloe and John C. Calhoun.

Mr. Cathey, in *The Genesis of Lincoln*, presents the picture of Wesley Enloe, the youngest son of Abraham Enloe, and several pictures of President Lincoln and calls attention to the alleged striking resemblance between them. I knew Wesley Enloe, and I have seen him in the old home of Abraham Enloe on Ocona Luffy where he resided and in which Nancy Hanks at one time lived. The only resemblance that I saw was that Wesley Enloe was tall and "raw-boned", as Lincoln was said to have been. But Judge Orr said that the men of the Hanks family in Anderson, South Carolina, were all "tall and raw-boned", and that in other respects so greatly resembled Lincoln, he called the latter's attention to it and Lincoln informed him that his mother's name was Nancy Hanks. I was told by several leading men of Gastonia a few weeks ago that an old gentleman by the name of Hanks recently died there, and that he was a living image of Lincoln's pictures. I was told at about the same time by leading men in Charlotte that until recently an old gentleman lived there whose mother was a Hanks, and that he showed a perfect resemblance to Lincoln's pictures. Dr. Coggins published an article by T. L. Gantt, a newspaper publisher, and this article, covering four pages, tells, among other things, of an old man by the name of Hanks in Rutherford County, who bore a remarkable resemblance to Lincoln. (Coggins, 59-64.)

On the question of resemblance I here call attention to the pictures of Calhoun and Lincoln appearing herein. Compare, if you please, the genuine picture of Lincoln, as he appeared while President, with the picture of John C. Calhoun, with hair and beard as Lincoln wore his. Then compare the genuine picture of Calhoun, as he appeared in life, with the picture of Abraham Lincoln with his beard removed, and with hair as Calhoun wore his. Here you have a facial resemblance, striking, remarkable, and unusual. The forehead, the nose, the high cheek bones, the lips, and the firm, strong chin of the two men are so much alike that they might have been fashioned in one and the same mould.

But their intellectual resemblance was more striking than that of their physical appearance. Henry Clay was called the great "Pacifactor"; Daniel Webster was the great "Expounder of the Constitution", and John C. Calhoun was the great "Logician". In R. M. Wannamaker's *The Voice of Lincoln*, a book of twenty-two chapters and upwards of three hundred and sixty-two pages, there are two long chapters on "Lincoln, the Logician." He quotes in full

several of Lincoln's speeches, including his main speech in the "Douglas Debates" and his "Cooper Union" speech in New York. When the speeches are placed side by side with Calhoun's great speeches on the Doctrine of State's Rights, and read one after the other, the reader cannot help but notice the striking similarity of language, and the fact that the process of reasoning pursued by the two men is identical.

It is said by his biographers that Calhoun knew very little, and cared less about slavery as a part of the daily affairs of the sections where it prevailed; but that it was slavery as an abstraction, as a *principle* which absorbed him, because it involved the doctrine of State's Rights, and his life incarnated that idea. And Lincoln knew little and cared less about the practical side of slavery. As late as July 10, 1858, in a speech in Chicago, among other things, he said: "I have said a hundred times, and I have no inclination to take it back, that I believe there is no right, and ought to be no inclination in the people of the Free States to enter into the Slave States, and interfere with the slavery question at all . . . While we agree that, by the Constitution we assented to, in the States where it exists, we have no right to interfere with it, because it is in the Constitution; and we are bound by both duty and inclination to stick by the Constitution, in all its letter and spirit, from beginning to end." (Wannamaker, *The Voice of Lincoln*, page 192.)

Calhoun never, in all his life, made a clearer statement of the doctrine of State's Rights than that. So devoted was Calhoun to the doctrine that he was willing to "nullify" the Constitution in order to preserve the rights of the States; and the time came when Lincoln declared that he was willing to nullify State's Rights in order to preserve the Constitution and the Union. A recent biographer and a Northern man, has this to say of Calhoun: "As the years roll on, the fame of Daniel Webster and Henry Clay is gradually growing dimmer, while the name of Calhoun has yet lost hardly anything of the lurid intensity with which it glowed on the political firmament of the United States towards the end of the first half of this (19th) century. Nor will it ever lose much of this . . . Yet it is unquestionably true, as it was asserted before, that the name of Calhoun already conveys a much more definite idea of the American people than that of either Webster or Clay, and that this difference will be steadily increased in his favor. The simple explanation of this remarkable fact is, that Calhoun is in an infinitely higher degree



the representative of an *idea*, and this *idea* is the pivotal point on which the history of the United States has turned from 1819 to nearly the end of the first century of their existence as an independent republic." (Dr. H. Von Holst's John C. Calhoun, American Statesmen Series, pages 3 and 7.)

One of Lincoln's biographers closes with this tribute to him: "Let us take him simply as Abraham Lincoln, singular and solitary, as we all see that he was; let us be thankful if we can make a niche big enough for him among the world's heroes, without worrying ourselves about the proportion which it may bear to other niches; and there let him remain forever, lonely, as in his strange life-time, impressive, mysterious, unmeasured and unsolved." (Morse's Abraham Lincoln, American Statesmen Series, Volume 2, page 357.)

I do not agree that Lincoln is "unsolved". The mystery of his birth and parentage would have been solved more than a generation ago, but for the efforts of those writers who would apotheosize him, and in their misguided zeal have striven to suppress the truth. Just as the moth continues to flutter around the flame until it is consumed by it, so these writers continue to revive the difficulty of proving that Thomas Lincoln was the father of the President until the difficulty itself proves their undoing. But truth does not hide away in dark corners. It seeks the blazing light of the noonday sun. It does not fear the attacks of falsehood, but stands always in the center of the world's arena, inviting the conflict. Truth and truth alone is eternal. It may be obscured for a while by the clouds of falsehood, or hidden for a time beneath the shadows of pride, or ignorance, or superstition, but it can never be destroyed. And as a friend to truth and an admirer of both Calhoun and Lincoln, I would infinitely prefer to know that Lincoln was the illegitimate son of a great Statesman—an intellectual giant like John C. Calhoun, and a good, though erring woman like Nancy Hanks, than to know that he was the legitimate offspring of an indolent, worthless, make-shift of a man, such as Thomas Lincoln has been represented to be. And if I were a descendant of Calhoun, I should not be ashamed that my ancestor was the father of an illegitimate son, if that son happened to be Abraham Lincoln. And so I respectfully submit that the record evidence, the positive, original testimony of the men and women who had personal knowledge of the facts; the well-defined traditions, the general reputation, and the circumstantial evidence, all which I have introduced in the discussion of the

three aforementioned issues, like the blazing comet which causes all the stars to turn pale as it passes, have swept away all doubt and confusion, and with an overwhelming and convincing voice proclaim that Abraham Lincoln, the sixteenth President of the United States, was the illegitimate son of John C. Calhoun and the Nancy Hanks herein described, and that he was born in the Carolina Mountains.

## CHAPTER XXIV.

### HENRY W. GRADY WAS A NATIVE OF THE WESTERN CAROLINA MOUNTAINS.

*One generation shall praise thy work to another,  
and shall declare thy mighty acts . . . They shall  
abundantly utter the memory of thy great good-  
ness, and shall sing of thy righteousness.*

PSALMS, 145: 4 and 7.

The reading public will be surprised at the assertion that Henry Woodfin Grady, the peerless Southern Editor and Matchless Orator, was born in Cherokee County, North Carolina, and lived in that County during the first few years of his childhood. The people of Georgia, no doubt, will seriously question and dispute this statement. I shall not blame them for so doing. A community, State, or Nation that would not rejoice in the honor of having produced Henry W. Grady would be exceedingly deficient in local and State pride; and no fair-minded man will blame them for their unwillingness to share the honor with a sister State. And yet, if Ridpath correctly defines history when he says that it consists of the testimony of eye-witnesses, ear witnesses, records, and monuments, there exists today abundant proof, of the kinds mentioned by Ridpath, that Henry W. Grady was born at Murphy, in Cherokee County, North Carolina, and lived there until he was three or four years of age; that he then lived for three or four years at what is now the Town of Hayesville, in Clay County (but which at that time was a part of Cherokee County), before his father and family became residents of Athens, Georgia.

It was twenty-eight years ago that I first heard the tradition of Henry W. Grady's birth and residence at Murphy, North Carolina; but during the past year and a half, at considerable pains and some expense, I have undertaken to verify the tradition by existing, living facts. It is my purpose here to make permanent record of the results of my investigations while the witnesses, for the most part, who gave me their testimony, are still living.



In the summer of 1910 I was nominated by the Democratic Party for the office of Solicitor of the Sixteenth (now the Twentieth) Judicial District. In the fall of that year, while I was engaged in the campaign, I spent a night at the Dickey Hotel in Murphy. On the following morning I was sitting on the porch of the hotel discussing with some gentlemen the eloquence of Governors Aycock and Vance, and I expressed the opinion that as an orator Governor Aycock was the equal of Grady. Mrs. Nettie Dickey, the proprietress of the hotel was present, and when I made the foregoing remark, she pointed to a small and very old dwelling diagonally across the street and said: "Henry W. Grady was born in that old house, known as the Axley House." She then proceeded to tell us that she came from Tennessee to Murphy when she was a young girl. She said that in 1884 she became the owner of the "Dickey House" and had operated it from that time on. Mrs. Dickey further informed us that about the time she became the owner of the hotel Henry W. Grady was becoming prominent in Georgia; that the papers had a great deal to say about him; that there was much talk about his eloquence and leadership in the South; that the older people then residing in Murphy told her of the Gradys having built and occupied the old "Axley House" and resided there; and that, later on, Henry W. Grady was born in that house and resided there as a little child. From that time forward I attended the Courts at Murphy regularly and usually stayed at the Dickey House, where on numerous occasions Mrs. Dickey repeated to me the story as she had first related it.

From Mrs. Dickey's hotel I went next to Hayesville, in Clay County, to prosecute my campaign. While there, in a conversation with the late O. L. Anderson, leading attorney and splendid citizen of Hayesville, I happened to mention the story of Henry W. Grady's birth-place as related by Mrs. Dickey. Mr. Anderson said that Mrs. Dickey had given me the correct information as to Grady's birth-place and that he was prepared to prove it to me then and there. Immediately he sent for Mr. George W. Sanderson to come to his office. Mr. Sanderson then was a very fine looking old gentleman some seventy-odd years of age. I at once found him to be a man who had read extensively—a man of much information and superior intellect. I learned shortly thereafter that he was a citizen of most excellent character, and that he was held in the highest esteem by all who knew him. He told me, in Mr. Anderson's

office, that when he (Sanderson) was a young man some fifteen to seventeen years of age, William S. Grady moved from Valley River, either directly from Murphy or from some nearby section, to what is now Hayesville; that William S. Grady bought land just across the river from the present town of Hayesville, constructed a store-building thereon, and engaged in the mercantile business there for three or four years. Mr. Sanderson said that he was employed to clerk in Grady's store from the time he opened it until he moved with his family to Athens, Georgia. Mr. Sanderson said that William S. Grady had a little boy, some three or four years old at the time, by the name of Henry W. Grady; that he saw the child every day, fondled him, played with him, and learned to love him dearly.

Mr. Sanderson also said that he went with the Gradys when they moved to Athens; and that he worked in William S. Grady's store there and lived in his home as a member of the family until the commencement of the Civil War, at which time he returned to Hayesville and enlisted in the Confederate Army as a North Carolina soldier. He further told us that, during his residence in the Grady home in Athens, he saw Henry W. Grady every day; that they bore to each other a relation as close as that of brothers; and that, when the war was over and Henry W. Grady became prominent, he often visited him in Atlanta. Following this conversation, Mr. Anderson escorted me in a buggy down across the Hiawassee River to the site of the old Grady store, the foundations of which were still intact; but the store itself had been destroyed by fire a short time before. I urged Mr. Anderson at the time to prepare an affidavit, setting out the details, for Mr. Sanderson to make, and they both agreed to see that this should be done, but unfortunately they neglected it; and when I went back to Hayesville at the April Term of Court following, I found, to my disappointment and sorrow, that Mr. Sanderson had died about a month before.

In August, 1938, I presided at a two weeks' term of the Superior Court in Murphy. During that term I spent many hours, between the Court sessions, procuring statements in support of the declarations which Mrs. Dickey and Mr. Sanderson had made to me twenty-eight years before. I talked with Mr. Lycurgus Mauney, who is now ninety-five years of age. He is the oldest lawyer living in the Twentieth Judicial District. Besides practicing for many years he taught in the public schools of the County. His sister, Mrs.

Vienna Stuart, was my first teacher when I was only six years old. It was under her instruction that I learned to read and write. She has died since I talked with Mr. Mauney last August. Mr. Mauney told me that he remembered that when he was a young man a John Grady lived on Valley River, above Murphy, and a Henry Grady lived in Murphy, but that he was never in the home of either of them and does not recall the names of other members of the family.

Miss Hattie Axley, for many years the official Court Reporter of Cherokee and other Counties, owns and for many years has resided in the old Axley house in Murphy, in which tradition says that Henry W. Grady was born. Miss Axley dictated and signed the following statement: "I own and live in what is known as the old 'Axley House' on Tennessee Street in the Town of Murphy. I am the daughter of James Campbell Axley, and the niece of Mrs. Nettie B. Dickey, who married my uncle, Thomas C. Dickey. Mrs. Dickey came to Murphy when she was sixteen years of age and operated the Dickey Hotel from 1884 till the time of her death at the age of eighty-four, she having died in 1936. I was raised in and around the Dickey Hotel. I have often heard Mrs. Dickey, in conversation with prominent men, tell them that Henry W. Grady was born in the old 'Axley House', in which I live, and which is just across the street from the Dickey Hotel. The records show that this house was built in 1841, by Henry Grady, who, as I understand, was the grand-father of Henry W. Grady of Atlanta. Mrs. Dickey always said that after Henry W. Grady became prominent she heard many of the then older people of Murphy say that he was born in this house in Murphy. This August 17, 1938.

(Signed) Hattie Axley."

I will say here that Miss Axley is a woman of most excellent character. Of my own knowledge she is loved and highly esteemed by the good people of Murphy, and no one who knows her would question her veracity.

On this same 17th day of August, 1938, I went to Hayesville, and interviewed Mr. G. H. Haigler at his home. He is now eighty-three years of age, and he dictated and signed the following statement: "I am now eighty-three years of age. I came to Hayesville from Cherokee County in 1874. From my arrival here until the time of his death in March, 1911, I was intimately acquainted with George W. Sanderson. During this period I have heard George W. Sanderson state on repeated occasions that Henry Woodfin



Grady, the great orator and publisher of Atlanta, Georgia, was born at, or in the vicinity of Murphy, in Cherokee County, North Carolina. Mr. Sanderson said that William S. Grady, the father of Henry Woodfin Grady, moved from Murphy or near Murphy, to what is now Hayesville, when his said son, Henry Woodfin, was five or six years old. Mr. Sanderson was at that time, according to his statement, a young man of about fifteen to seventeen years of age. He said that William S. Grady bought property just across the river from the present town of Hayesville, which is known as the old Moore place, and operated a store there and Sanderson clerked in the store for Grady, who, during his residence here, lived in what is known as the Jasper Scroggs house, which is still standing, and is now occupied by his son. Mr. Sanderson also said that after living here for two or three years the Gradys moved to Georgia when Henry W. Grady was eight or nine years old, and that he, Sanderson, followed them there and worked for W. S. Grady until the outbreak of the Civil War, at which time he severed his business connection with him and came home to enlist for service in the Civil War. I have heard George W. Sanderson make the above statement on repeated occasions. George W. Sanderson was a man of the highest character; a man of wide information, and was for twenty-two years Clerk of the Superior Court of Clay County. I came here from Cherokee in 1874, and was intimately acquainted with Mr. Sanderson till his death, we having been next door neighbors. He died about the year 1911, in March, at the age of seventy-two years.

(Signed) G. H. Haigler."

Mr. Haigler is a man widely known in Western North Carolina. He has been prominent in business circles and was president of the Clay County Bank from the time of its organization. There are many hundreds of men in the western Counties of the State, especially in Cherokee and Clay, who will gladly bear witness to his character for intelligence, integrity, honor, and truth.

On the above-named date I visited the old home of George W. Sanderson in Hayesville. His youngest child, Mrs. Pearl Herbert, her husband, Frank Herbert, and their children now live in the old home. Mrs. Herbert dictated and signed for me the following statement: "I am the youngest child of the late George W. Sanderson. I understand from my father that he worked for William S. Grady at Hayesville when he operated a store here. That William S. Grady

moved to Athens, Georgia, after living here for a few years, and my father worked for him there until he became his partner in the business in Athens. He said that William S. Grady wanted him to enlist in the Civil War from Georgia, but he told him he preferred to enlist and become a soldier of his own State. That after the war was over he came back and settled in Hayesville and built the house in which I now live. When my father left Grady's home in Athens, William S. Grady gave him a marble table top and told him if he got out of the war alive to make a table to match and keep it in remembrance of him. My father carried out this request and made the table of beautiful red cherry, and I now have the table in my home. I have heard my father say that Henry W. Grady, while the family lived in Hayesville, was the most playful, active and prankish little boy he had ever seen. All my life I heard my father continually talk about his connection with the Grady family, and about the residence of the family at Hayesville when Henry W. Grady was a little boy. My father did not go with the Gradys when they moved from Hayesville to Athens, but William S. Grady sent for him shortly after he located there, as my father has said to me. My father often went to Atlanta in Henry W. Grady's life time and after his death. I have had in my possession through the years a picture of Henry W. Grady which he sent my father, but it is misplaced and I cannot put my hands on it today. I guess my father has stated hundreds of times that Henry W. Grady was born in Cherokee County, North Carolina. After Henry W. Grady became prominent he and my father carried on a correspondence, but although this was preserved through the years it is now either misplaced or destroyed. This correspondence contained references to Henry Grady's childhood when they lived in Hayesville. After the war when my father built the home in which I now live in Hayesville he said he was going to build it as nearly like the Grady home in Athens as he possible could and in the building of it he followed the same general architectural design as the Grady home in Athens.

(Signed) Pearl Herbert."

At the time the foregoing statement was dictated and signed, Mr. Frank Herbert, the husband of Mrs. Pearl Herbert, was present and concurred fully in the facts related in said statement. Mr. and Mrs. Herbert are high-class citizens of Clay County and their testimony will be accepted without question by all who know them. Since Mrs.

Herbert signed the above-given statement she has found the picture of Henry Grady which he sent to her father. Her husband, Mr. Frank Herbert, has just called me over long-distance telephone, and they are mailing the picture to me so that I may have copies of it made. The picture bears Henry W. Grady's signature in his own hand-writing.

On August 20, 1938, I addressed the Eighteenth District Bar Association at Tryon, in Polk County, North Carolina, and following my address I visited Dr. Earl Grady in his home, and he dictated and signed the following statement: "My name is Dr. Earl Grady. I was born at Greenville, South Carolina, and have practiced medicine at Tryon since 1894. I am a second cousin of Henry Woodfin Grady. As a young man he gave me a position on the Constitution as a reporter. Later I was his secretary, and was with him on his last trip to Boston in 1889. He was sick when he left home and he made the trip against the advice of his family and Doctor. I heard his great speech in Boston on this occasion. He died soon after his return to Atlanta. I resided part of the time in his home while I was in Atlanta, and I always understood from him and his family that he was born in Cherokee County, North Carolina. I was educated at Greenville and at the University of Maryland, and got my degree in 1887, the youngest graduate the college ever had. I will be sixty-seven years old in the coming September of 1938. John W. Grady was my grand-father, who lived at one time near Murphy, in Cherokee County, North Carolina. The several Gradys who lived in Cherokee County were natives of Buncombe County and moved from that County to Cherokee County. Henry W. Grady was related to the Woodfin family in Buncombe, on the Grady side of the family—hence his name. My father's name was William S. Grady. His brother, Henry Grady, of Murphy, North Carolina, also had a son named William S. Grady, and he was the father of Henry W. Grady of Atlanta.

(Signed) Earl Grady, M. D."

Dr. Grady stands high in his profession. He is favorably known throughout his section and those who know him have abiding faith in his word.

On the 30th day of October, 1938, a friend of mine told me that some near relatives of Henry W. Grady were then living in Waynesville. Pursuant to the information he gave me, I went to the home which is still owned and was formerly occupied by Hon. W.



T. Lee, on Walnut Street. At this time the home is occupied by Mr. John Terrell, his wife, and mother. I found Mr. Terrell's mother, Mrs. Lilly Terrell, to be a very fine old lady, now nearly eighty-four years of age. She is a woman of superior intelligence and she has a kindly, sweet, and motherly face. She made and signed the following statement: "My name is Mrs. Lilly Terrell. I am a widow and I live with my son, John Terrell, who is station agent for the Southern Railway Company at Waynesville, North Carolina. I will be eighty-four years old if I live till February, 1939. I am the only living child of John W. Grady, who moved from Buncombe County to Cherokee County, North Carolina. When he left North Carolina he first went to Georgia for a while, and then moved with his family to Greenville, South Carolina, where I was born. He was the father of a large family. There were two younger than I, but most of them were older. Henry Grady, who at one time lived in Cherokee County, North Carolina, and William S. Grady, were my brothers, but they were much older than I. One brother moved to Texas, but I never did know anything further about him or what became of him. Dr. Earl Grady of Tryon is my nephew, and was the second son of my brother, William S. Grady, who also moved to Greenville, South Carolina, and Dr. Earl Grady was born and raised there. Henry Grady, one of my brothers, had a son named William Sammonds Grady, and this William S. Grady was the father of Henry W. Grady, the editor of the Atlanta Constitution. As far back as I have heard my family tree traced, favorite names for the men of the family have been John, Henry, and William. William S. Grady, the father of Henry W. Grady, was a Major-General in the Confederate Army and was wounded in battle. I do not remember what battle it was, but he was brought home from Petersburg, Virginia, to my father's home in Greenville, South Carolina, and died there, as the result of the wound received in the battle. Some time after his death I visited his widow and children at Athens, Georgia, and spent something like three months in their home there. I have heard both Henry W. Grady and his mother say that Henry W. was born in Cherokee County, North Carolina. I will also state that I have often heard my father and mother, and also one of my aunts, say that Henry W. Grady was born in Cherokee County, North Carolina. I never saw him after I was in the home when he was growing into young manhood. My mother, before her marriage to John W. Grady, was Harriett

Sammonds. Henry W. Grady had a brother, William S., Jr., and a sister, Martha.

(Signed) Mrs. Lilly Terrell."

The originals of the preceding signed statements are in my files, subject to the inspection of any person who may desire to see them. Many similar statements could be procured around Murphy to corroborate Mrs. Dickey's testimony with respect to the tradition that Henry W. Grady was born in the old Axley house there, and at Hayesville I was told of a large number of people who would testify that they had often heard Mr. George W. Sanderson make the same statement that he made to Mr. O. L. Anderson and me in the fall of 1910, and that he so often repeated to Mr. G. H. Haigler and to the latter's daughter, Mrs. Pearl Herbert. If that is not enough, then surely the statement of Dr. Earl Grady of Tryon, and that of Mrs. Lilly Terrell of Waynesville, both members of the Grady family, will carry conviction to any unprejudiced or unbiased mind. But their testimony is corroborated by record proof. The records in Cherokee County show that John W. Grady owned and afterwards conveyed a farm on Valley River, near the present Tomotla railroad station, part of which is now owned by D. M. Birchfield, former Sheriff of Cherokee County. Mr. E. B. Norvell of Murphy, one of the oldest attorneys in this section and a gentleman of the highest character, told me that there are two streams running through the aforesaid farm, one of which until recent years was known by the name of Grady's Creek, and the other as Grady's Mill Creek; and Mr. Norvell called my attention to several deeds on record that refer to these creeks as Grady's Creek and Grady's Mill Creek. The records at Murphy show that Henry Grady owned lot Number Nine in the first plan of Murphy, which is so designated on a map record there, dated April 1, 1841. It was on this lot that Henry Grady built in 1841, the house now known as the "Old Axley House." (See Book C, page 49.)

The records at Murphy show that on the 10th day of February, 1859, David Taylor conveyed to William S. Grady two tracts of land of one hundred acres each, one of which calls for the Tennessee State line. (See Book 8, page 666.) The William S. Grady named as Grantee in this deed was the father of Henry W. Grady, because his uncle, William S. Grady, Sr., who was the father of Dr. Earl Grady of Tryon, had, long before this date, moved to Greenville, South Carolina. This is proved by the fact that there is a deed of

record at Murphy by which William S. Grady of Clark County, Georgia, on the 6th day of March, 1860, conveyed one of these tracts to E. B. Cole, of Cherokee County, North Carolina. (Book 9, page 116.)

It appears of record in the office of the Register of Deeds of Cherokee County that on the 24th day of May, 1858, Mathias B. Setzer of Towns County, Georgia, conveyed by two separate deeds to William S. Grady of Clark County, Georgia, two tracts of land, one containing one hundred acres, and the other containing thirty-eight and one-half acres, situated in Cherokee County, North Carolina (now Clay County), and I found upon investigation that these two tracts are situated just across the river from Hayesville, and are the tracts on which William S. Grady operated his store, and were later known as the Joel L. Moore place. (See Book 8, pages 708 and 709.) Clay County was formed from part of Cherokee County in 1861. (See Public Laws 1860-69, Chapter 6, page 8.)

I have searched the records both in Cherokee and Clay Counties, but failed to find any record of a conveyance from William S. Grady for the above-named lands. It is possible that he may have conveyed the land and the deed was never recorded. It is more probable that he did not convey as he was an early volunteer in the Civil War and died from the effects of a wound received at the battle of Petersburg, Virginia. However, there is a record of a deed at Murphy from Francis McGee, Sheriff of Cherokee County, made following an execution sale, and it is therein recited that the lands described in the deed were sold as the property of William S. Grady, but I could not identify the lands as those conveyed by Setzer to Grady.

I found the tradition at Murphy that the Henry Grady who built the Axley House was the father of the William S. Grady whose property I have been discussing, and therefore the grandfather of Henry W. Grady of Atlanta; but to set the matter at rest I wrote to Mrs. Eugene R. Black, of Atlanta, the daughter of Henry W. Grady, and she verified this tradition as fact. I was well acquainted with Mr. Black. He was an able lawyer of Atlanta, and it was my privilege to appear on the same side of an important lawsuit with him at Murphy, the trial of which lasted for two entire weeks. (See *Power Company v. Power Company*, 175 N. C. 668.) The subject matter of the suit was the land and water-power now being developed on the Hiawassee River by the Tennessee Valley



Authority. Mr. Black was appointed by President Roosevelt as Governor of the Federal Reserve System, and died only a short time ago while still holding that position.

Mrs. Black wrote me under date of September 9, 1938, in answer to my letter, that one of the Grady brothers went to Texas, and that from that branch of the family the wife of the late Senator Joe Robinson of Arkansas descended. Mrs. Black was kind enough to send me a record of the Grady family tree running clear back to Ireland; and, from those named, Henry W. Grady is a direct descendant. The record follows: John Grady, of Donegal, Ireland, married Mary Goodman; William Grady married Anne Croom; John Grady married Mary Whitfield; William Grady married Ann Barfield; John Grady married Harriett Sammonds; Henry Grady married Leah King; William Sammonds Grady married Ann Eliza Gartrell; and Henry W. Grady of Atlanta was the son of the last named. Mrs. Black says in her letter to me that Henry Grady (the Grady who built the old "Axley House") married Leah King in Asheville, North Carolina, November 2, 1812. She is buried in a little cemetery near Hendersonville, North Carolina. The John W. Grady, who lived near Tomotla, in Cherokee County, according to Mrs. Black's letter was married to Harriett Sammonds in 1782, but the place of the marriage is not given. This family tree, so kindly furnished me by Mrs. Black, is strongly corroborative of Mrs. Terrell's statement, "as far back as I have heard my family tree traced, favorite names for the men of the family have been John, Henry, and William."

I have in my files certified copies of records from Buncombe County showing that at the January Sessions 1822 of the Court of Common Pleas and Quarter Sessions Henry Grady (the grandfather of Henry W.) was elected Sheriff of Buncombe County over Javan Tramell, twenty-seven of the Justices having voted for Grady and six for Tramell. At the January Term, 1823, as the record shows, Grady was reelected without opposition. There is a tradition in Buncombe County that Grady resigned during his second term because it became his duty as Sheriff to hang a man who had been convicted for stealing a horse! It also appears of record in Buncombe County, that on July 5, 1832, John W. Grady (the great-grand-father of Henry W.), with three other men, was elected to "patrol Asheville and its vicinity for one year."

Now, have I proved that Henry W. Grady was born in the

mountains of Western North Carolina? Let us see. Bearing in mind Ridpath's definition, that "history consists of the testimony of eye-witnesses, ear-witnesses, records, and monuments," let us apply to the testimony offered, the fundamental rules of proof daily used in our Courts of justice with regard to witnesses testifying before them. Are the witnesses I have introduced worthy of belief? Our Courts are governed by the fundamental rule that in trials of fact before a jury, by the testimony of witnesses, the proper inquiry is not whether there is a possibility that the testimony may be false, but whether there is sufficient probability that it is true. Let us consider then on which side lies the burden of establishing the credibility of the witnesses. On this point the law furnishes a rule which is of constant application in all trials by jury, that in the absence of circumstances generating suspicion, every witness is presumed credible until the contrary is shown, and the burden of impeaching his credibility rests upon him who attacks it. If a jury were empanelled to pass on the evidence I have offered what would their verdict be? Our Supreme Court has recently held that a jury is not justified in finding any fact unless the evidence is sufficient to satisfy their minds of its truth, or creates in their minds the belief that the fact alleged is true. We believe evidence or refuse to believe it in proportion as we have or do not have faith in its credibility and trust-worthiness; but faith as applied to the ordinary affairs of life is nothing more than the assent of the mind to what is stated or asserted by another; it is trust or confidence in the veracity of another; it is firm and honest belief in the assertions or asseverations of another, on the ground of the manifest truth of that which he utters, and faith in evidence generates belief. Belief is simply the acceptance of something as true that is not known to be true; it is a conviction of the truth of a proposition existing in the mind, and induced by persuasion, proof, or argument addressed to the judgment. Proof is the result of evidence, and a fact is said to be proved when the Court or jury or other party whose duty it is to decide, believes in its existence, or considers its existence so probable that a man of common judgment and discretion ought, under the circumstances of a particular case, to act upon the belief or supposition that it does exist. If, therefore, faith in evidence generates belief, and evidence results in proof, then the evidence I have offered here will convince any unprejudiced or unbiased mind that Henry W. Grady first saw the light in the shadows of our eternal hills.

While I was at Murphy, Mr. E. B. Norvell, under date of August 8, wrote the State Librarian of Georgia for the date and place of Henry W. Grady's birth. At the bottom of his letter (which I have in my possession), on August 10 she replied in these words: "Henry W. Grady was born at Athens, Georgia, May 24, 1850. He died December 23, 1889."

In Joel Chandler Harris' *Life of Grady*, published in 1890, at page 21 he says: "Henry Woodfin Grady was born in Athens, Georgia, on the 24th of April, 1850." In the same book at page 69, in a "Memorial of Henry W. Grady", written by Marion J. Verdery, at the request of the New York Southern Society, it is said: "Henry W. Grady was born in Athens, Georgia, May 17, 1851." In the *New International Encyclopaedia*, Volume 10, at page 210, is the statement that Henry W. Grady was born in Athens, Georgia, in 1851. So here are four Georgia witnesses who differ as to the day, the month, and the year of his birth. Then, may I ask, if the Georgia witnesses do not know the date of his birth, may they not be in error as to the place? And does not their disagreement as to the time of his birth weaken their testimony with regard to the place? They do not give the sources of their information, and as none of the witnesses lived in Athens, and, therefore, could not have had personal knowledge of the facts, the most probable inference is that they simply understood that the Grady family resided in Athens, and that Henry W. Grady was educated in the University there, and they, therefore, assume that Athens was his birth-place.

What of the North Carolina witnesses? I, myself, am a witness to the tradition related to me by Mrs. Dickey and the statement of fact made to me by Mr. George W. Sanderson twenty-eight years ago. If it shall be said that I am an interested witness, "I plead guilty to the soft impeachment." I confess that my soul glows with pride at the thought that the same great mountain section that has meant so much to me gave birth to the immortal Grady. But it is a well known rule of law that an interested witness, or even a witness of bad character, may be so strongly corroborated and supported by the facts and circumstances in evidence that a jury will be warranted in believing all that such witness says. Miss Hattie Axley, who owns and occupies the house which tradition points out as the birth-place of the famous Grady is not an interested witness, and over her signature she testifies to the tradition related by Mrs.



Dickey to me. Why should G. H. Haigler and Mrs. Pearl Herbert of Hayesville, both people of the highest character, make and sign the statements herein quoted, except to tell the truth as to what George W. Sanderson told them on divers occasions? Within a period of half a life-time he frequently told them the same facts that he related to me in 1910.

What motive, except to tell the truth, could Dr. Earl Grady have in making and signing the statement shown above, and which he had voluntarily told me the year before within ten minutes after I first met him? After his graduation Henry W. Grady gave him his first employment as a reporter on the *Atlanta Constitution*. Later he was promoted to the position of personal secretary. He lived in the Grady home in Atlanta; he was with the great orator when he delivered his matchless speech in Boston, and he was with him when he died. He had no motive to tell other than the truth. And surely Mrs. Terrell, my neighbor in Waynesville, the great-aunt of Henry W. Grady, had no motive to deceive or to speak falsely in her written and signed statement. She and Dr. Grady are members of the Grady family; they know what they are talking about; they both seem fairly to worship the memory of their great kinsman; they are people of the most excellent character; and they were not actuated by local pride, for both were born and reared in Greenville, South Carolina.

In Joel Chandler Harris' *Life of Grady* at page 69, there is this statement by Marion J. Verdery: "His father, William S. Grady, was a native of North Carolina, and lived in that State until about the year 1846, when he moved to Athens, Georgia."

Well, he may have gone to Athens in 1846, and he may have started a business there at that time, but the overwhelming proof is that he was residing with his family and doing business in North Carolina well after 1850.

Henry W. Grady does not belong to Georgia alone, and he does not belong to North Carolina alone. Referring again to Harris' book at page 79, we find the following: "Such a man could not be held within the narrow limits of local reputation . . . . By two speeches, one made at a banquet of the New England Society in New York City, and the other at a State Fair at Dallas, Texas, he achieved for himself a reputation which spanned a continent. The most magnificent effort of eloquence which he ever made was the soul-stirring speech delivered in Boston on "The Race Problem"

just ten days before he died. These three speeches were enough to confirm and perpetuate his fame as a surpassing orator." And so I repeat that Henry W. Grady does not belong to any one locality. He belongs to the nation; he belongs to the world; and he belongs to the ages.

I cannot do better than to close this chapter by again quoting from the tribute paid him by Marion J. Verdery, as it appears at page 80 of Harris' *Life of Grady*: "In him was combined such breadth of usefulness and brilliancy of genius that he illumined the critical period of American history in which he lived and set the firmament of our national glory with many a new and shining Star of Promise. This century, though old in its last quarter, has given birth to but one Henry Woodfin Grady, and it will close its eyes long before his second self is seen. A hundred years hence, when sweet charity is stemming the tides of suffering in the world, if truth is not dumb she will say: This blessed work is an echo from Henry Grady's life on earth. A hundred years hence, when all the South shall have been enriched by the developments of her vast natural resources, if truth is not dumb, she will say: This is the legitimate fruit of Henry Grady's labor of love while he lived on earth. A hundred years hence, when patriotism shall have beaten down all sectional and partisan prejudice, and the burning problems that press upon our national heart today shall have been 'solved in patience and fairness,' if truth is not dumb, she will say: This is the glorious verification of Henry Grady's prophetic utterances while on earth. And when in God's own appointed time this nation shall lead all other nations of the earth in the triumphal march of prosperous people under perfect governments, if truth is not dumb she will say: This is the free, full, and complete answer to Henry Grady's impassioned prayer while on earth."

## CHAPTER XXV.

### THE HISTORY OF THE CAROLINA MOUNTAINEERS IS A HISTORY OF PROGRESS.

*Get you up this way Southward, and go ye up into the mountain, and see the land, what it is; and the people that dwell therein, whether they be strong or weak, few or many; and what the land is that they dwell in, whether it be good or bad; and what cities they be that they dwell in, whether in tents or strongholds; and what the land is, whether it be fat or lean, whether there be wood therein, or not, and be ye of good courage and bring of the fruit of the land.*

NUMBERS, Chapter 13: 20

It is a far cry from the conditions under which our first pioneers lived, and the conditions that exist today in the Carolina Mountains.

I have said before in these pages that "Our Southern Highlanders", by the late Horace Kephart, and the "Carolina Mountains", by Miss Margaret Morley, are "far and away" the best books that have been written about the mountains of Western North Carolina.

For what they have said about the mountains themselves, their forests, their minerals, their countless varieties of shrubs and flowers, as well as their magnificent scenery and incomparable climate, we are deeply indebted to them. But every true mountaineer must and does resent most of what they say about the people themselves.

My only acquaintance with Miss Morley has been through many perusals of her notable book. I understand that she spent about a dozen years in our mountain section, during which time she enjoyed the hospitality for which our mountaineers are noted.

Mr. Kephart resided here about eighteen years, the last fifteen of which he lived in the Cooper House in Bryson City. During that period I spent at least six weeks of every year at Bryson City, attending the courts, and I, too, lived at the Cooper House. I knew



Mr. Kephart intimately. He was my friend and I was his friend. As a friend I loved him; but I did not love him as well as I love my native mountaineers, whose constant and unfaltering friendship has meant so much to me.

If Mr. Kephart and Miss Morley had closed their books when they finished what they had to say about the mountains and the mountain region, and had said nothing about the people who dwell therein, their books would have been acclaimed masterpieces, and we should have owed them a debt of gratitude so great that it never could be repaid. But the very excellence of the books themselves, in a view of their wide circulation, has tended strongly to confirm and extend the false impression created by other libelous writers, so that even today multitudes of people both within and outside North Carolina look upon our mountaineers as freaks and curiosities.

John Clark Ridpath, the great historian, tells us at page 615 of Volume 9 of his "History of the World" that "History is a systematic record of great events; especially a record of events in which man has taken part. It is a record not only of what men *do but what they are.*"

Our great historian, Bancroft, at page 268 of Volume 2 of his "History of the United States" defines history in the following words: "The student of natural history, in examining the humblest flower, seeks instruments that may unfold its wonderful structure, without color and without distortion. For the historic inquirer to swerve from exact observation would be as absurd as for the astronomer to break his telescopes and compute the path of the planets by conjecture. Of success there is a sure criterion; for, as every false statement contains a contradiction, truth alone possesses harmony. Truth, and truth alone, is permanent. But facts, faithfully portrayed and placed in proper contiguity, become themselves the firm links of a brightly burnished chain, connecting events with their causes, and marking the line along which the power of truth is conveyed from generation to generation."

Woodrow Wilson, our great war President, had this to say about the importance and value of *local* history: "The history of a nation is only the history of villages and communities written large . . . . The right and vital sort of local history is the sort which may be written with uplifted eyes—the sort which has a horizon and outlook upon the world . . . . A spot of local history is like an inn upon a highway: It is a stage upon a far journey; it is a place the

national history has passed through. There mankind has stopped and lodged by the way. Local history is thus less than national history only as the part is less than the whole. The whole could not dispense with the part, would not exist without it, could not be understood unless the part also were understood. Local history is subordinate to national only in the sense in which the leaf of a book is subordinate to the book itself. Upon no single page will the whole theme of the book be found; but each page holds a part of the theme. Even were the history of each locality like the history of every other (which it cannot be), it would deserve to be written—if only to corroborate the history of the rest, and verify it as an authentic part of the record of the race and nation.” (Modern Eloquence, Volume VI, page 425.)

So, if these three eminent writers and scholars have correctly defined history, I submit that the true history of the Carolina Mountaineers forms an important chapter of the history book of the Nation, without which the volume would not and could not be complete.

It is my purpose in this and the next succeeding chapter to call attention to certain statements about our mountain people in both “Our Southern Highlanders” and “The Carolina Mountains,” and prove that such statements have no basis in fact, and that these statements have done great injustice to our people.

To reply to all these misleading statements would involve the copying here of entire chapters of the books mentioned. For lack of space I can do no more than quote and make reply to a few of the most glaring misrepresentations.

Mr. Kephart begins Chapter I of his book with these words: “In one of Poe’s minor tales, written in 1845, there is a vague allusion to wild mountains in Western Virginia ‘tenanted by fierce, uncouth races of men’. This, so far as I know, was the first reference in literature to our Southern Mountaineers . . . . Time and retouching have done little to soften our Highlander’s portrait. Among reading people generally, South as well as North, to name him is to conjure up a tall, slouching figure in homespun, who carries a rifle as habitually as he dons his hat, and who may tilt its muzzle toward a stranger before addressing him, the form of salutation being: ‘Stop thar! What’s you-unses name? Whar you-uns a-goin ter?’ Let us admit that there is just enough truth in this caricature to give it point that will stick. Our typical mountaineer is lank, he is always

unkempt, he is fond of toting a gun on his shoulder, and his curiosity about a stranger's name and business is promptly, though politely, outspoken." Then, in Chapter XII, page 266, Mr. Kephart says: "Does this mean, then, that Mr. Poe's characterization of the mountaineers is out of date? Not at all. They are the same 'fierce and uncouth race of men' today that they were in his time." So, it will be seen, by this last statement of Mr. Kephart, that he makes Mr. Poe's words his own.

Of course, the charge will stick as long as such statements as these are permitted to go unchallenged. And that is the trouble now. Our people have been so grossly misrepresented by Northern writers that the stranger who comes here either from the South or the North is already convinced that he will find just such a 'fierce and uncouth race of men' as Mr. Poe, and Mr. Kephart, and other writers have described. Only a few days ago I was introduced to a lady of education and culture from the State of Michigan, who was spending some time in the home of Mrs. J. H. Way, of Waynesville. She had read the Kephart and Morley books, as well as others, and she had come from Michigan on purpose to see with her own eyes the 'fierce and uncouth' men and women of the Carolina Mountains about whom she had read so much. To that end she had traveled over our Western Counties; and she asked Mrs. Way and me where to go to find the "mountain whites"—this race of 'fierce and uncouth' men. We told her to go up and down the streets and highways; to visit the many model homes that adorn our towns and countrysides, and that everywhere she would come in contact with our typical mountaineers. She was amazed when we assured her that nowhere in the mountains would she find men and women such as have been pictured by Northern writers.

Miss Morley was here for twelve years, and Mr. Kephart was here for eighteen years. Most of the other writers were here for only a few months or weeks. I have been here sixty-seven years. I have not been here quite as long as the old Indian chief who recently testified in a land suit then being tried in the Superior Court of Cherokee County. The controversy involved the location of a spot of ground on which a marked corner tree had stood for many years, but which had been destroyed. This Indian had often seen the marks on this tree, and he was the only living witness who had seen them. Our older Indians do not like to testify without an interpreter, and this particular Indian was a reluctant witness. When he was called to



the stand he was asked how long he had lived where he then resided. The chief replied: "All the time." The lawyer then asked him to fix the time by the number of years that he had lived at that place and the chief, in his broken English, replied: "I been live there ever since Hiawassee River a little spring branch." I have not been here quite that long, but the sixty-seven years of my life have been spent in the heart of our mountains, and I have yet to see the 'fierce and uncouth' men and women described above.

It is to be hoped that Mr. Kephart got his 'fierce and uncouth' men and his geography mixed. Poe was speaking of the inhabitants of Western Virginia. Kephart's book is entitled, "Our Southern Highlanders," which could cover a great deal of territory outside Western North Carolina.

When I was a young boy eight or ten years of age, my father took me to Highlands to a Fourth of July celebration. Highlands, in Macon County, was established in 1876 by Northern people, most of whom were from Massachusetts, although several other Northern States were represented. They were well educated people, and the original settlers, and their descendants, developed into real, genuine mountaineers. Among other attractions at this celebration were several speeches delivered by our Northern brethren. The first speaker told the crowd that the war was over; that we ought to forget the hatreds and prejudices caused by the Civil War, and dwell together in peace and friendship like brethren. Then, swelling with patriotism, he said: "I know no North, no East, no South, no West." At that point a little mountain boy, with one leg of his homespun breeches dangling around his ankle and the other rolled above his knee, and with a bunch of sandy hair sticking out through a hole in the top of his hat, yelled out: "Well, Mister, if that's all you know about this here country, you orter study jogerfy." The master of ceremonies then introduced another speaker. He was from Massachusetts—Miss Morley's state. He, too, started out by saying that this was the birthday of our Nation, and that we ought to forget and forgive the animosities engendered by the Civil War. Old Uncle Call McCall, from my section in Jackson County, was there that day. He was unlettered and unlearned, but was as brave a Confederate soldier as ever fired a gun in battle. He was listening intently to the words of the speaker, who finally said: "My friends, we have here the greatest country on the face of the earth. It

stretches from Maine's stately pines and crags of snow to where the magnolia breezes blow. It stretches from the Atlantic on the east to the Pacific on the west. It stretches"—and at that point Uncle Call jumped up, gave the Rebel yell about three times, sailed his hat through the air and shouted: "Let her stretch, durn her, let her stretch, hooray for the Democrat Party!"

So, I assert that if it was Mr. Kephart's purpose to apply Poe's characterization to our Carolina Mountaineers, he "stretched" his "jogerfy" a little too far.

Chapter XIV of "Our Southern Highlanders" is entitled "The Land of Do Without." From that chapter and others I make the following several quotations:

At page 331, Mr. Kephart says: "The mountain farmer's wife is not only a household drudge, but a field-hand as well. She helps to plant, hoes corn, gathers fodder, sometimes even plows or splits rails. It is the commonest of sights for a woman to be awkwardly hacking up firewood with a dull axe."

Mr. Kephart, on page 314, says: "The mountain home of today is the log cabin of the American pioneer—not such a lodge as well-to-do people affect in Adirondack 'Camps' . . . but a pen that can be erected by four 'corner-men' in one day and is finished by the owner at his leisure."

And, on page 347 is the following statement: "But let us never lose sight of the fact that these people, intellectually, are not living in our age. To judge them fairly we must go back and get a medieval point of view, which by the way persisted in Europe and America until well into the Georgian period." And on page 349: "They are kind-hearted, loyal to their friends, quick to help any one in distress. They know nothing of civilization. They are simply unstarted—and their thews are sound."

On page 399 we find the statement: "The motives of two centuries ago are the motives of present day Appalachia."

At page 18, Mr. Kephart says: "The mountain folk still live in the eighteenth century. The progress of mankind from that age to this is no heritage of theirs. Our backwoods-men of the Blue Ridge, the Unakas, of their connecting chains, and of the outlying Cumberlands, are still thinking essentially the same thoughts, still living in much the same fashion, as did their ancestors in the days of Daniel Boone."

Then Mr. Kephart makes this remarkable statement at page 321: "When speaking of Southern Mountainers, I mean the *mass*, or the *average*, and the pictures given are typical of that mass."

Next Mr. Kephart tells us at pages 322 and 323: "No picture of mountain life would be complete or just if it omitted a class lower than the average hillsman I have been describing . . . . In some of these places you will find a 'pet pig' harbored in the house. I know of two cases where the pig was kept in a box directly under the dining table, so that scraps could be chucked to him without rising from dinner. Hastening from this extreme, we shall find dire poverty the rule rather than the exception among the multitude of 'branch-water people'."

Now, we gather from the foregoing quotations that Mr. Kephart is writing about two classes of people living in our mountains. One is the "*mass*, or the *average*," and the other is "a class lower than the average hillsman," and it is among this last class that "we shall find dire poverty the rule rather than the exception."

It is true Mr. Kephart does admit that in the river valleys and in the towns there will be found more of civilization than among the above-mentioned classes; but it must be remembered that a very small percentage of the people of the mountains live in the valleys and in the towns, and Mr. Kephart says that he is writing about the "*mass* or the *average*."

I have read in Holy Writ these words: "For ye have the poor always with you," and it is true that we have now, and have always had, poor people in the mountains. Here we have no wealthy people in the sense that wealth is measured in the great cities and business centers. But the great majority of our people are well-to-do. Even those whom Mr. Kephart labels as the "branch-water" people, and who are so numerous that, according to him, they constitute a "multitude", enjoy the essential necessities of life. Of course, we have people who are very poor, and their number was augmented by the depression of 1929 and the three or four years following. But I will venture to assert that no rural section can be found in all our land where, in proportion to population, there are so few paupers as we have in the Carolina Mountains. Every man who is familiar with the facts will agree with me that Mr. Kephart has endeavored to prove the general rule by citing a very few exceptions to it. I can not say that he did not see the two instances referred to where the pet pig was in a pen kept under the dining table. I can



say with assurance that I have seen vastly more of our mountain region and its people than Mr. Kephart ever saw and in all my sixty-seven years of life, I have never observed or heard of anything like that except in Mr. Kephart's book.

The mountain farmer's wife is not a household drudge, unless it might be in some isolated instance, and she is not a field-hand unless it be by her own choice. I have read and I have heard that in the days of the pioneers, and during as well as after the War between the States, women did of dire necessity work in the fields. While the war was on the husband and the sons were at the front battling for a cause they believed to be right; and after the war, when their fields were laid waste and their country devastated, it was essential that every member of the family should work if he or she would survive. It did not require these fine, loyal, mountain women all their time to do their house work. There were no bridge parties for them to attend. The many frivolities which curse modern society in many places today were unknown to our mountain women during the periods of which I write. They had been taught that God made woman "for an helpmeet for him" (man). And so the mountain women have always been willing and eager, as they still are, to do the useful things their hands find to do. It is not necessary now, and it was not necessary when Kephart wrote, for women to work in the fields or to be household drudges. Again, Mr. Kephart was talking about the very rare exceptions and not the general rule. If it were necessary there are tens of thousands of women in the mountains everywhere who would make willing field-hands, and, if the occasion called for the sacrifice, the performance of such work would be no disgrace. I have oftentimes seen women of culture, education, refinement, and affluence working in their flower gardens and their vegetable gardens, not only in the mountains, but in other areas both North and South. I have just read in the very interesting volume entitled "Pen Pictures of the Presidents," a book of 554 pages, by Fred T. Wilson, that, when LaFayette made his first visit to this country after the Revolution, he went to Fredericksburg to pay his respects to the mother of his old chief and comrade in arms. He found Mrs. Washington, then a very old woman, working in her garden. She was too busy hoeing her vegetables to come to the house to greet the great Frenchman, and he had to go to the garden to see her; and there, she shook hands with him across the fence! (See page four of the above-mentioned volume.)

The misrepresentations in Kephart's and Miss Morley's books with respect to the condition and character of our people, and the even worse falsifications in other books and periodicals, have not only put us in a false light in other States, but have misled our own North Carolina people in the central and eastern sections of the State, who have never visited our mountains. I have been asked by hundreds of people in those sections about the benighted and poverty-stricken condition of our mountaineers. I held my first court in Mocksville, in Davie County, in the early spring of 1937. I had left Waynesville in the morning of a bright sunshiny day. I arrived at Mocksville in a snow-storm in mid-afternoon, and walked from the railroad station to the hotel in six inches of snow. After I had been at the hotel for a short time, the people there learned that I was from the mountains. A gentleman, of about seventy years of age, was making his home in the hotel. He had come to Mocksville from Alabama some thirty years before. He was a business man who had made quite a success in his adopted home. After talking with me for a while he inquired if the "missions" were still maintained in the mountains. I asked him what he meant and he said he had read that rich philanthropists of the North had always maintained missions in the mountains. I inquired: "Missions for what?" He replied: "To civilize and Christianize the mountaineers." He appeared to be amazed when I told him that I had lived in the mountains of Carolina at the time for sixty-four years; that I was familiar with every section of the mountains, but that this was the first time I had ever heard of such missions. I told him, too, that a great many Northern people come to our mountains to invest money in our timber and mineral lands, but that by the time they got through trading with our mountaineers, some of them went back to the North with more experience and less money than they had when they arrived among us, while those who tarried with us became first-rate mountaineers as soon as they were able to learn mountain customs and the mountain way of life.

A lady now residing in McDowell County, but who was reared in Swain County, told me about a Northern lady who was down here as the representative of some "uplift" society in New York. She desired to obtain the photographs of two little mountain girls. My informant sent a message to the mother of two little girls requesting her to bring the children to town on a certain day. The request was complied with. These two little girls were unusually pretty, as most

mountain children are. They were tastefully and becomingly attired. When they were presented to the "uplifting" lady from the North, she was indignant, and said her desire was to see some little girls dressed in rags and unbecoming clothing. However, she had photographs taken of them as they were, and then gave the children prizes to come back bare-footed and dressed in rags and tatters. When this request was complied with, the children again were photographed. When the "uplifter" went back home she wrote an article which was published in a magazine of wide circulation and in which she described in most pathetic and sorrowful terms the awful conditions of poverty, destitution, and starvation which she found in the Carolina Mountains. The magazine carried both the above mentioned photographs. Beneath the one showing the little girls dressed in rags were the printed words: "Before I began my uplifting work", and beneath the picture showing the same little girls when they were beautifully dressed, were the words: "After three weeks of my uplifting work!"

I had a relative who lived in Catawba County. When I was holding court there three or four years ago, I visited him in his home on several occasions. He was a fine old gentleman, of very high standing in his County, and has now gone to his reward. Upon the occasion of my last visit I urged him to visit me in Waynesville. He said: "No, I will never be in the mountains." I asked him what he had against the mountains, and he replied: "Well, I guess the mountains are all right, but they kill too many people up there." I then explained to him that, during the six months that I had held the Courts of his County, I had tried and disposed of seven homicide cases, while in my own County of Haywood, there had not been, in more than eighteen months, a killing by unlawful means, accident, or otherwise.

Why, even the Supreme Court of North Carolina, which all of us honor and revere, seems to regard with more abhorrence a killing perpetrated in the mountains. For example, in the opinion in the case of the State versus Gosnell, 208 N. C., at page 405, the Court, among other things, says: "Out of the many tragedies of the hills, this is perhaps one of the saddest. It is full of moving pathos." Of course, every one will agree that any killing of a human being, and especially an unlawful killing, is a tragedy. But is it any more of a tragedy because it occurs in Waynesville instead of in Wilmington? Is it any sadder because the deed was perpetrated in Cherokee



rather than in Currituck? Can there be any more pathos in an unlawful homicide committed in Murphy than in a like case occurring in Manteo? Every one knows that the great Supreme Court of North Carolina did not, in the use of the above quoted language and in similar language in other cases, mean to imply the affirmative of the above questions. And yet, a stranger would be well warranted in placing such a construction on the language quoted. I am willing here to challenge the Reports of the Attorney General and the facts in the reported cases themselves, in order to show that, in the number and character of cases, the tragedy, the sadness, and the pathos of crime is by no means confined to the Carolina Mountains.

I have the Greensboro Daily Record, a newspaper published in Greensboro, North Carolina, as my authority for the following story: A few years ago the late Miss Elizabeth Kelly, of Franklin, North Carolina, attended with a friend a meeting of these "uplifters" in one of the cities of New Jersey, the object of the meeting being to "uplift" some of the "pore whites" in Southern mountains. Many speeches were made at this meeting, describing the terrible conditions of poverty, ignorance and starvation existing in the Southern mountains. The speeches were made by men and women who, no doubt had never been out of the city in which they were born and reared and who knew nothing of the conditions they were attempting to describe, except what they had read in the libelous books and periodicals I have herein referred to. Miss Kelly was a very large woman, the very picture of health, and was one inch over six feet tall. Finally she was introduced, and she came forward while the crowd wondered whether she weighed two hundred or two hundred and fifty pounds. She commenced her speech with these words: "Yes, I am one of your underfed, undernourished, and undeveloped specimens—fresh from the mountains of North Carolina." The paper does not give the remainder of Miss Kelly's speech but, knowing her as a great lover of her native mountains, I can well imagine how her speech waxed warmer as she proceeded.

So, it will be seen that our Carolina Mountaineers have been universally misrepresented by outside writers, part of whom wrote with a reckless disregard for the truth, while others, knowing the truth, were motivated to write something unusual and sensational as well as something untrue about our people, in order to induce people outside North Carolina to buy their writings.

I deny Mr. Kephart's statement that our mountain people "know nothing of civilization"—that "they are simply unstarted." I deny his statement that "the mountain folk still live in the eighteenth century"—that "the progress of mankind is no heritage of theirs." I deny his statement that "the mountain home of today is the log cabin of the American pioneer—a pen that can be erected by four "corner-men in a day." And I deny his statement that "when speaking of the Southern Mountaineers I mean the mass, or the average, and the pictures here given are typical of that mass." I deny and dispute these assertions because they were not true when made and they are not true today.

Mr. Kephart would have his readers believe that our mountaineers have never made any progress in any way; that they have stood still for a century and a half. The truth is that their progress has been steady and sure from the time the first cabins were built. No country was ever settled under greater difficulties and hazards than those which our pioneers encountered here, and no people ever met and overcame obstacles with braver hearts and more willing hands. The first settlers came through dense forests where the storms of centuries had conspired to block their paths, bringing with them no more than a horse, and perhaps a cow, a few cooking utensils of the simplest sort, a hoe, a plow point, an axe, a rifle, a Bible, and sometimes, but not always, a few bedclothes. In order to reach a suitable spot on which to build their homes, with no roads to follow except buffalo trails, they waded through treacherous snows and shivered through raging blizzards, if it were winter time. But whatever the season, they forded bridgeless, rushing rivers, clambered across dark gorges and deep ravines, and climbed up rugged mountain sides, until at last they entered an undiscovered country whose horizons were marked by lofty mountains on every side. Their spirits were no doubt sometimes cast down, but they were never broken. Always they faced to the front, and there was no thought of turning back. When night overtook them their camps were oftentimes disturbed by the howl of the wolf, the scream of the panther, the alarm of the rattlesnake, or the war-whoop of the savage; but their faith never faltered and their courage never waned. When they reached their journey's end, however, they found a land of indescribable beauty. They found rolling valleys, covered with luxuriant verdure, rich and productive as Babylonia's fertile fields. They found stately and densely timbered forests, in the shade of which the rich soil had not

yet been warmed by the rays of the sun, and in which the sound of the woodsman's axe had not yet been heard to echo. They found majestic mountains, carpeted with a wilderness of wild flowers, where reptiles sported in the crevices of the cliffs, or crawled unmolested across the slopes. Herds of deer hid among the thickets; the bellow of the buffalo awoke the distant echoes, and there were none but wild animals to crop the uncut grasses of the vales and the mountain sides.

No doubt the first cabins were such as Mr. Kephart describes. But we must here take into account that the first pioneers had no tools but axes and no material but trees, and it is not difficult to see how important it was that shelters be provided as quickly as possible, not only to protect the women and children from the weather, but to guard them from the ever-present menace of wild animals and wilder men. And, after all, the first cabins of our pioneers were but the counterpart of the cabins of the first pioneers on every frontier of America, if the frontier was in a timbered country.

After the first cabins were built, in response to the sturdy stroke of the axe, fields were cleared and crops were raised, and so the forests began to yield up their treasures. The tide of immigration continued to flow into the mountains, and as each new settler came, he pushed farther and farther into the depths of the untrodden wilderness. There he, too, felled the trees and erected his cabin. As the country became more densely populated, the settlers, thus strengthened by numbers, were more secure from the dangers of the wilds, and then began to direct their energies more to the cultivation of the soil and the raising of stock and less to the chase. Iron was discovered and was mined to the extent that tools became more plentiful, and the method of farming was improved. Extensive plantations were opened; larger and more comfortable dwellings were erected, albeit they were built of logs. Log-schoolhouses were built and the education of the rising generation was provided for in the best way possible in a frontier country. With pick, shovel, and free labor, wagon roads were built, connecting the mountain communities and extending into the older settlements in the adjoining States, while social habits were cultivated and improvements were made in material and manner of dress. Then came the sawmill, the old "up-and-down" sash sawmill, run by water-power, with a capacity of three hundred feet of lumber in a day. Later came the circular sawmill, first operated by water-power and later by



steam, with a capacity of two or three thousand feet a day. At last a conqueror came and, in the name of science, fastened upon the sides of our eternal mountains great bands of steel, over which dark-browed and fiery-hearted locomotives pulled their priceless loads, ascending, curving, doubling on their tracks, crossing and recrossing the rivers, gorges, and ravines, first to one side and then to the other, and gliding along where once the buffalo and Indian trails were the only roads, while the shrill blasts of their whistles mingled with the unceasing roar of the streams, sometimes a thousand feet below.

At the time Kephart wrote, every one of the twenty-five counties, which I classify as strictly mountainous counties, had railroads operating somewhere within their borders, most of them connecting with the county seats, with the sole exception of Alleghany County.

Then came the large, double-band sawmills, with capacities of from fifteen to thirty thousand feet of lumber a day. These operations were during Mr. Kephart's residence in Swain County. Long years prior to this, however, the mountain people had rebuilt their homes. There were very few, if any, of the old-time log cabins occupied as homes in the mountains in Kephart's time. There are none in the present day, except new ones. Most of the tourist camps in the mountains today are composed of log cabins, but they are equipped with lights, water and other modern conveniences. The average home of the Carolina Mountaineer today is much better in every respect than the average in rural sections of the twenty-three states that I have visited. You may drive across the invisible lines that separate North Carolina from the adjoining States, with your eyes blind-fold, and without reading a lettered sign or being otherwise informed, you can at once tell that you are in the State so entered by reason of the inferior and less substantial dwellings of the people there as compared with those in North Carolina.

Oh, yes, Kephart was wrong when he wrote that the Carolina Mountaineers are still living in the eighteenth century. He was wrong when he said that civilization is unknown to them. He was wrong when he said that the Carolina Mountaineers are the same "fierce, uncouth race of men" today that they were in Poe's time, and he was likewise wrong when he said that the mountain home of today is the log cabin of the American pioneer. Slowly but surely the forests have fallen before the sturdy stroke of the woodsman's axe; slowly but certainly the virgin soil of the valleys and

coves has yielded to the mastery of the plow; step by step the savage beast and the warring Indian have retreated before the white man's rifle, cowed by his prowess and overpowered by his brain and his brawn. Where once the sluggish oxen drew the creaky, primitive, tar-axle wagon along a narrow, rocky road, and by the urging of the driver's whip might cross one small township in a day to haul a little load of produce to town, now, as in Kephart's time, ten thousand trucks and automobiles drawn by motor-power will make the same trip and return within an hour. Where once the old stage coach, drawn by its tired and sweating horses, rumbled along at a speed of five or six miles an hour and lingers only in the memory of the older people, now, as in Kephart's time, we hear the thunder of rumbling trains, inspired by flame and steam and drawn by limbs of steel, which fly across the country faster than the fleeting shadow of the swiftest bird, laden with thousands of tons of human freight and the products of the peoples' toil. Where once few could read and fewer could write, and those whose minds were most advanced had but few books to read, now, as in Kephart's time, the printing press fills the homes of our people and our schools with countless books containing the lore of every land and of every age, including science, art, and learning in every branch; while periodicals, newspapers, and pamphlets make frequent visits into every home, and when the people awake at dawn they find upon their thresholds the doings of the world the day before, brought by the lightning from the most distant lands, then printed and distributed daily everywhere in our mountains. Where once the humble hunter of the mountain fastnesses traded skins which his skill and cunning gathered from the woods, in exchange for food which the farmer garnered from his fields, when trade beyond the neighborhood was quite unknown, now, as in Kephart's time, our merchants stretch their arms to every quarter of the globe, and all the products of earth's various climes we buy, and sell, and use.

Where once stood the little grist mill, wasting the stream on its slow-turning wheel, and with a capacity of a bushel of corn in a day, now, as in Kephart's time, we have the great merchant-mill with its powerful turbines and mysterious roller processes, producing daily hundreds of bags of snow-white flour.

Where once the wheat was harvested with the old sickle or cradle and threshed with a flail, now, as in Kephart's time, the modern reaper, drawn by a tractor and gliding like some living thing

through the golden fields, harvests more wheat in a day than could be garnered by the old process in a month.

Where once the rude huts of the Red Men stood, now, as in Kephart's time, we have thriving towns and growing cities; and numerous stately temples, with sky-pointing towers, where even-handed justice, in strict conformity to the law, has replaced the brutal violence of the savage.

Where once pious souls knelt at rustic churches, bedecked with fragrant wild flowers, while stealthy foes, more dangerous than ravening wolves, peered through parted weeds and coveted their scalps, now, as in Kephart's time, we have magnificent houses of worship, in which the air is made resonant with hymns and songs of praise in adoration of the Omnipotent and Eternal God.

The conquering of our mountain wilderness was a gigantic undertaking; but now, the very earth is covered with the blessings of civilization; our farms are carpeted with a variety of grasses adapted to the soil; woodlands and cultivated fields blend in perfect harmony; the birds of the spring-time sing their songs in fruitful orchards, and well-kept gardens, planted with selected seeds of every description from every temperate zone; roses and honeysuckles twine themselves around the doors and porticos of pretty dwellings set in groves of native trees; and the brilliant flowers of the tropics bloom from the windows of the greenhouses or defy the cold of winter from the casements of happy homes.

Our farmers, living like good neighbors near or in the fields they cultivate, glory in the fruitfulness of the valleys and the coves, and count with honest satisfaction and pride their fattening flocks and herds that browse in safety on ten thousand hills; while industry smiles at the changes she has wrought and rejoices in the contribution she has made to the development and progress of the mountains.

Splendid churches, within easy reach of all the people; modern graded schools of eight months' duration every year in every community, and an adequate number of high schools in every county, where education is free to all; colleges offering four-year courses in higher learning scattered throughout our section; a magnificent system of paved highways traversing every county in many directions, and "all-the-year-round home-to-market roads" everywhere; our stately forests, luscious fruits, floral exuberance, salubrious



climate, and incomparable atmosphere—all combine to make the Carolina Mountains the garden spot of the world.

But above all these material things our mountain people have learned things of greater value. Our pioneers were made dauntless by the very dangers that appalled them, and became invincible by the forces that threatened to destroy them, even as the trees of the forest grow stronger where the gale blows hardest. Under the tutorage of poverty and perilous experience our pioneers were trained and equipped for the quick but bloody struggle at King's Mountain which made possible the glory of Yorktown. And so, through all the years, from toil and sacrifice our people have learned patience; from hardship they have learned endurance; from privation they have learned thrift; from necessity they have acquired self-reliance; from danger they have acquired courage; and from Nature they have learned the love of Liberty, the love of Home, and the love of God. Amid such environments and experiences, our mountain society has been chastened into purity; our manners have become benevolent by refinement; and the virtue and loyalty of our women is the guardian of our peace and happiness.

"I hear the tread of pioneers  
Of Nations yet to be;  
The first low wash of waves, where soon  
Shall roll a human sea.

The rudiments of empire here  
Are plastic yet and warm;  
The chaos of a mighty world  
Is rounding into form.

Each rude and jostling fragment soon  
Its fitting place shall find—  
The raw materials of a State,  
Its muscle and its mind."

## CHAPTER XXVI.

### THE TRANSITION FROM THE OLD ORDER TO THE NEW.

*For ye shall go out with joy, and be led forth with peace. The mountains and the hills shall break before you into singing, and all the trees of the field shall clap their hands. Instead of the thorn shall come up the fir tree, and instead of the briar shall come up the myrtle tree; and it shall be to the Lord for a name, for an everlasting sign that shall not be cut off.*

ISAIAH, Chapter 55: 13.

Miss Morley's book, "The Carolina Mountains", is a much better book, and in many respects, is more just and fair to our people, than Mr. Kephart's "Our Southern Highlanders." Her description of the mountains, the forests, the streams, the valleys, and the flower kingdom, is superb. She also writes many beautiful tributes to the inherent honesty, generosity, hospitality, and friendliness of the mountain people.

All through her book she shows a deep appreciation of their kindness to her over a period of about twelve years. Then, all at once, she will fall into step with other outside writers, and tell the most absurd and ridiculous things about us, that have absolutely no basis in fact. For example, Chapter XX, of Miss Morley's book, which is entitled "A Vanishing Romance", is devoted exclusively to the "blockaders", or illicit whiskey manufacturers of the mountains. Speaking of the blockader generally, she tells us at page 204: "His possessions consisted perhaps of a large family and a small cornfield, the latter off on a mountain slope so steep that its staying seemed little short of miraculous. His corn being his wealth, it had to buy the clothes of the family if they had any. He could with great labor 'tote' it down the mountain many miles to the nearest market, get next to nothing for it, go home to his needy family, an honest man in the eyes of the law, but despised by his neighbors as being 'no account' in the warfare of life. Or he could take

himself to some lonely gorge not far from home, 'still up' his grain, easily transport the product, and more easily dispose of it. There is always a market for corn in this form, and the price it brings is several hundred fold that of the raw material, and the man who 'stilled it', though a reprobate in the eyes of the law, until very recently was not so in the estimation of his neighbors. His family was fed and clothed, he waxed rich, and the stranger who came to the mountains admired his picturesque home, and praised him for his industry, unaware of the true nature of his labors." Again on page 209, Miss Morley has this to say: "Although the moonshiner everywhere existed in the mountains, his most noted retreat was in the Dark Corners, on the eastern slope of the Blue Ridge."

Now these statements imply that practically every mountaineer was a moonshiner at the time Miss Morley wrote her book. The moonshiner did not "everywhere exist in the mountains" then or now. That there has always been more or less "moonshining" in the mountains is lamentably true, but there has never been a time when "the moonshiner everywhere existed in the mountains." Those who have engaged in the illicit traffic in liquor have constituted the rare exceptions and not the general rule, and I think I can confidently assert that at no time in the mountains, past or present, could it be truthfully said the moonshiner "although a reprobate in the eyes of the law, was not so in the estimation of his neighbors." On the contrary, the moonshiner has always been looked down upon by the better classes, and he did not have the sympathy of right-thinking men anywhere at any time. And I take issue with Miss Morley when she states that the moonshiner sometimes waxes rich in the traffic. It has been my observation that men not only do not get rich in the whiskey industry, whether illicit or legal; but on the contrary, sooner or later they lose what they have made out of the traffic.

Mr. Kephart has some five or six chapters about "moonshining" in the mountains. He, too, more clearly than Miss Morley, leaves the impression that the illicit liquor business is one of the chief industries of the mountain region. During my eight years of service on the Bench, I have found that there is much more widespread violation of the prohibition statutes committed in the Counties east of the mountains than in the mountain Counties themselves. And, of course, every informed person knows that the wholesale viola-



tion of the prohibition laws has been a thousandfold worse in the northern cities than it ever has been in the Carolina Mountains.

But these books, you must remember, must have something out of the ordinary, in order to create a sale for them in the North.

The books by Mr. Kephart and Miss Morley have pictures of blockade distilleries. Their books, of course, would not be complete without such pictures! Miss Morley had to go clear into the "Dark Corners" to get her picture, and the "Dark Corners" is located in South Carolina; while Mr. Kephart finds two such distilleries far back at the head of some creek in the Smoky Mountains.

Quill Rose seems to have been Mr. Kephart's favorite among the blockaders he is so free to write about. Quill Rose was quite a character. I have seen him many times, after he reached a good old age. He is said to have had many admirable qualities; but he believed that any man had the inherent right to make and sell whiskey, law or no law. Once the Federal officers caught him in his distillery, back in the Smokies, while he was in the act of making liquor. When he was indicted in the Federal Court, and after his plea of guilty had been entered, Judge Boyd called him to the witness stand and said to him: "Mr. Rose, I have been told that this moonshine liquor, such as you make, improves greatly with age. I would like for you to tell me if I have been correctly informed." Quill Rose immediately replied: "Your Honor has been misinformed. I kept some for a week one time, and I could not tell that it was one bit better than when it was *new and fresh!*" At the same term of Court a man by the name of Solomon Joshua from Transylvania County, was indicted for the illicit manufacture of liquor. After his plea of guilty had been duly entered of record, Judge Boyd called him to the stand and inquired: "Is your name really Solomon Joshua?" The defendant replied that it was. Then Judge Boyd inquired whether by any chance he was the Joshua who commanded the Sun to stand still. Instantly the defendant replied: "No, sir; I am the Joshua who made the moon-shine!"

The late Rev. George Stuart, a Methodist minister, tells the following story:

Back before we had our good roads in the mountains a minister was driving through this section with horse and buggy. While passing over a muddy place in the road one wheel of the buggy became fastened between two rocks. Neither the horse nor the minister could get it loose. At last a mountaineer came along and

saw the predicament of the traveler. He rolled a large loose stone up close to the fastened wheel, took a rail from the nearby fence, and using the stone as a fulcrum, in a few moments he had the wheel loose and the minister was ready to go. After thanking the mountaineer for his timely assistance, the minister said to him: "My friend, you may have a fine country up here, but you certainly have the roughest roads I ever saw. I don't see how it is possible for you to haul over them even the necessities of life." The mountaineer replied: "Well, it is pretty hard; *but the worst part about it is, that since we have had this infernal prohibition law they make it so mean that you can't hardly drink the durned stuff after you get it hauled.*"

Over in Macon County there was an old-timer by the name of Dave Lewis. He came to every election at day-break, full of "corn" in liquid form, and remained full till the last vote was counted. All day long at short intervals he would yell: "Hooray for those and others!" It was never learned just what he meant by this expression. Finally his "corn" got the better of him. The late Dr. S. H. Lyle was his physician; but the more Dr. Lyle applied his remedies, the more "corn" Uncle Dave consumed. One morning he came to the Doctor's office in a very "soaked" condition, and Dr. Lyle said to him: "Dave, I don't know what is to become of you. I have been doing my best for months to cure you of this awful drink habit, but you persist in drinking to excess every day. You have drunk liquor until your system has become saturated with it to the extent that when you strike a match there is great danger that it will set you on fire and you will be burned alive. You know liquor will burn like kerosene oil." Uncle Dave jumped up in great excitement and exclaimed: "Doctor, have you a Bible in your office?" Dr. Lyle replied: "Yes, I have a Bible here, but I am not going to let you take an oath that you will never drink any more, for I am sure you would violate your oath." Uncle Dave replied: "I don't want to take no such oath as that. I want to take an oath that I will never strike another match as long as I live!"

I repeat—that comparatively few of our Mountaineers have been "moonshiners", and drinking is by no means as universal in the mountains as it has been in the cities in this and other States.

Mr. Kephart tells us at page 308 of his book that "our average hillsman now goes about in a dirty blue shirt, wopsy and ragged

trousers toggled up with a nail or two, their socks sagging untidily over rusty brogans, and a huge, black, floppy hat that desecrates the landscape."

Miss Morley pictures the mountain men in much the same way, and the women scantily and unbecomingly clad, are always bent over the wash tub or are found laboring in the fields. As I have said before the mountain people are an industrious people. In the mountains everybody works, and each wears clothes suitable to the character of the work engaged in. A man following a plow, or driving a team on his farm, or working in the mines or a lumber yard would not wear his best. The professional man, the minister, the office man, the teacher, and many others dress like people engaged in the duties of such callings everywhere. But do not think for a moment that the man who works in the woods or on the farm wears his overalls and brogans on all occasions. Every one has his "going-away clothes", or "Sunday clothes" to wear when the proper time comes to wear them. And the women, too, dress to suit the occasion. I would not expect a woman in the mountains or anywhere else to "dress up" while she is attending to her household affairs.

Your city belles, as a rule, wear beautiful clothes because they are "becoming". The mountain girl, free from fashion's tyrannies, "becomes" the clothes she wears.

Both Mr. Kephart and Miss Morley tell us that the mountain women, as the result of drudgery, undernourishment, and motherhood, are "bent, broken, ugly", old women by the time they are thirty years of age. The contrary is the truth.

Mr. Kephart and Miss Morley both say repeatedly, that in speaking about the mountaineers, they have reference to the "mass or the average." I assert that when you consider the "mass or the average" a more healthy and vigorous race of men and women cannot be found anywhere than in the mountains of Western North Carolina. Most of our people from the days of the pioneer until now have lived in the main an outdoor life; and nothing could be more conducive to good health and long life than to live in the open and breathe the pure air of heaven which continually whispers among our eternal hills.

The truth of this assertion may be illustrated by the answer of a witness who testified in a land suit tried in one of our Counties a short time ago. The controversy hinged upon the location of a



corner tree standing on top of one of our higher mountains. The plaintiff alleged that the tree, as marked on the original survey, was still standing, while the defendant contended that no such tree ever existed at the place in question. Finally, the plaintiff called as a witness an old gentleman then eighty-eight years of age, who testified that he was present on the original survey; that he saw the tree marked as a corner, that he was at the tree only the day before, and that it was still standing, bearing the same marks that he saw cut on it when it was first established as a corner. The attorney for the defendant, realizing that he had lost his case unless he could discredit this old man, propounded the following questions, and received the following replies: "You say you are eighty-eight years of age?" The witness answered, "Yes". "And you say you saw the tree on yesterday?" The witness again answered "Yes." The lawyer then asked: "Why, don't you know that it is ten miles from your house to the top of that steep mountain; and don't you know that you have been in bed sick for this past week?" The old man replied: "Yes, I know it is ten miles to this corner, and I walked the trip both ways on yesterday, and I will have you know, sir, that I have never been sick a day in my life, and have never taken a dose of medicine in my life." The lawyer then asked this final question: "Well, if you don't mind, I wish you would tell his Honor and the jury to what you attribute your excellent health and long life?" The old man answered: "When I married, my wife and I agreed that we would never quarrel. It was agreed that when I came in and found that she was mad I would not say anything; and if she saw that I was mad she would remain silent. So, all our married lives, when I came in from my work and she saw I was mad, she would keep her mouth shut; and when I saw she was mad I would go on out of doors and back to my work; and I figure that my good health and long life are due to the fact that for nigh on to sixty years I have lived an out-door life!"

Our Mountaineers have listened to the ceaseless rhythm of the woodsman's axe, the rasp of the cross-cut saw, and the hum of the sawmill. They have cleared fields and built houses, and raised crops and livestock. They have created wealth by the exercise of their brain and their brawn; and the stimulation of this work of creation has given them healthy minds in healthy bodies—"God's greatest blessing to mankind." No one can deny that to those

who work for their daily bread, life has a flavor and a zest that the idler, whether he be rich or poor, never knows. For these reasons our mountaineers have acquired an abiding faith in themselves and in the future of the country in which they live.

I admit that I have seen mountain women who were "bent, and stooped, and ugly"; but I have seen "bent, and stooped, and ugly" women in every section of our Union that I have had the opportunity to visit. And I here assert that the "bent, stooped, and ugly" men and women described by Mr. Kephart and Miss Morley, are no more typical of the "mass or the average" of our mountaineers, than the dwellers in the slums of our great cities are typical of the fine people who have made such cities great. You can find "bent, stooped, and ugly" people everywhere, but they no more represent the mountains than they do the plains of the great West. But I have also seen beautiful women in the mountains, not by the score but by thousands. Beauty is a relative term; for the beauty that one man recognizes, another will pass by unnoticed. There is no rule by which beauty may be defined. There is no yardstick by which it may be measured, no scales on which it may be weighed, and no language in which it may be described. Woman has been the symbol of beauty in every age and in every clime. Every woman is beautiful to the man who loves her, and the most beautiful woman in the world is found once by every man.

I have read that, in olden times in one of the nations of antiquity, there lived a maid of such surpassing beauty and loveliness, that a law was enacted forbidding her to veil her face; the reason for the law being that if it was an offense against heaven to hide a light which might lead an unguided traveler to his destination, it was a still greater crime to conceal from the eyes of men that womanly beauty which was sent from heaven to illuminate the world.

The women of the mountains may not be as beautiful as this maid of the ancient world. But the *average* mountain girl, with figure formed by Nature's law instead of fashion's decree, with cheeks painted by Nature's brush instead of the Cosmetologist's artificial touch, with eyes as black as midnight's darkest hour, or perhaps as blue as glimpses of sky seen through the rifted rain-clouds, with lips that look like a crimson bow without the aid of lipstick, and with heart of gold and soul as pure as heaven's dew-

drops—such is the average mountain girl, who, in her natural comeliness captivates the connoisseur and charms into mute admiration all whose eyes are sensitive to beauty. No, the pictures painted by Mr. Kephart and Miss Morley do not represent the typical mountaineer. They are but caricatures which represent one extreme of mountain society—typical of a class found in the cities, and on the plains as well as in the mountains.

They do not tell you of Rev. George Truett, now of Dallas, Texas, but born and reared on a little farm in the mountains of Clay County. Born in a place and at a time when opportunities in the mountains were few, yet as the result of his genius and tireless efforts, he acquired an education and became a Baptist minister. His eloquent voice has been heard by entranced and delighted throngs in every State in the United States. Countless millions on both sides of the Atlantic have hung spell-bound on his impassioned words, while at the persuasive touch of his eloquence uncounted thousands have been turned to God. I have no doubt that he is the greatest preacher on earth today.

They pay no tribute to Zeb Vance, who was born in a cabin in a rural section of Buncombe County, in the shadow of Mount Mitchell. He, too, struggled on and on until he obtained an education. He became a great lawyer. He was elected to Congress. He was three times Governor of North Carolina. He was elected to the United States Senate in 1879, and as the result of successive elections remained in the Senate until the time of his death, April 14, 1894. It was said of him that he was the best informed man in the United States Senate on such issues as the tariff, the financial question, and other questions involving political economy; and all agreed that as an orator, he was second to none in that dignified body. He was certainly the best loved man in North Carolina.

Judge Jeter C. Pritchard, as I have been told, was born just across the State line in the mountains of Unicoi County, Tennessee. He came to Madison County in the mountains of North Carolina when he was a young man. I have heard it said that he arrived here with his clothes wrapped in a pocket-handkerchief, and with three cents in his pocket. He became a great lawyer, served one term in the United States Senate, and for many years he was Senior Judge of the United States Circuit Court of Appeals of the Fourth Circuit. He was a great man and a great



Judge. Until I had filled a volume, I could continue to call the roll of the great leaders who have arisen to fame and fortune in every walk of life in our great mountain land. But I am not writing biographies, and lack of space forbids the mention of any considerable number of our worthy men. But these men were not typical mountaineers. They represent the opposite extreme from those portrayed in the books of Mr. Kephart and Miss Morley. Such men are not typical of those who have carved an empire out of our mountain wilderness any more than the characters pictured in the aforementioned books are typical of them. The true history of the Carolina Mountaineers is found in the lives and achievements of the common men and women—the great middle classes—who have lived and wrought here through the slow-moving years, just as the record of the lives of such people constitute the true history of every land.

The student of history will agree that Leonidas the First of Greece would never have been known to history but for the three hundred dauntless Spartan braves who held the Pass of Thermopylae for days and nights against the overwhelming numbers of the Persian hosts. In Washington's deathless victories is reflected the glory of forgotten thousands, and the fame of Napoleon is written in the blood of the unnamed brave. The true heroes of our race are not those who have blazoned the march of great thoughts and great principles until they were crowned with final success. The true heroes lie in unmarked graves beneath the unyielding oblivion of by-gone ages. But it was their brains that cradled the daring thought at a time when it was treason to think. Their burning lips proclaimed it when the scaffold, or the dungeon, or the stake was certain to be their doom. It has been said that travelers find their way across the desert by the bones of those who have perished on the way. The fallen win the victory, but the survivors receive the praise.

In the "Carolina Mountains" Miss Morley devotes all of Chapter XV, entitled "Biltmore and the New Era", to an effort to prove that the development of the Biltmore Estate near Asheville, was the first and most far-reaching civilizing influence to come to the mountains. After laboring through thirteen pages to prove the foregoing, she closes the Chapter in these words: "And whatever may be the future history of Biltmore, if the mountains continue in the direction of sanitation, safety, and ever-increasing beauty,

the honor belongs to her of having been the guiding star in the difficult passage from the old order to the new."

I had always been under the impression that the Carolina Mountaineers possessed all the essentials of civilization long before the Biltmore Estate was ever heard of. I had always understood that whatever tends to increase our permanent bodily comfort, either in the way of food, clothing, or shelter; to relieve the pains of accident and disease, and to restore health when it is impaired; to satisfy healthful and legitimate longings of the mind, whether they be the ambition to excel in art, the desire to discover hidden truths of nature, or the mere desire for amusement; to allay superstitious fears; to promote the love of humanity; to elevate the spiritual or religious nature above mere blind superstition and direct the soul to grander and loftier conceptions—whatever tends to accomplish these ends may be regarded as agents in widening the breach which certainly exists between the highest and lowest races of men. But, since there are all grades between the lowest and highest and no line of demarcation can be drawn, the term "civilization" is a relative one.

The people of China are civilized as compared with the Bushmen of Australia, because they are vastly elevated above them in many qualities which tend to produce the highest conceivable condition of man; yet when compared with the European or Anglo-American civilization, they are uncivilized because far below them in these same qualities.

Guizot tells us that "Civilization may be taken to signify merely the multiplication of artificial wants, and the means and refinements of physical enjoyment. It may also be taken to imply both a state of physical well-being, and a state of superior intellectual and moral culture." Rawlinson says: "It seems that so far as the voice of history speaks at all, it is in favor of a primitive race of men, not, indeed, equipped with all the arts and appliances of our modern civilization, but substantially civilized, possessing language, thought, intelligence, conscious of a Divine Being, quick to form the conception of tools, and to frame them as it needed them, early developing many of the useful and elegant arts, and only sinking by degrees, and under peculiar circumstances into the savage condition." A. Hyatt Verrill in his book, "Old Civilizations of the New World", at page 61, thus defines it: "Were I asked to define the requirements essential to civilization, I should say

that when a highly cultured race builds cities, establishes an organized form of government, enforces a Code of laws, recognizes education, performs engineering feats, has a social organization, levies taxes, maintains an army, possesses a knowledge of science, is self-supporting and encourages arts and industries, it has reached a state that may be considered civilized."

The late Dr. Warren H. Wilson, a noted sociologist, who was particularly interested in the Southern Mountaineers, and who spent many years of his life studying their character, characteristics, and ways of life, thus describes our mountaineers: "They live as happily as others. They have attained. They are wise. They pray. They understand God. They know the great thoughts; in fact their way of thinking is dignified because it concerns itself less with trifles. There is less of disguise and hypocrisy in their life."

If people like that are not civilized, I deeply regret the failure of Miss Morley and Mr. Kephart to enlighten us as to what civilization really is. Well may it be said of our mountains and our mountaineers:

"In happy climes the seat of innocence,  
Where Nature guides, and virtue rules,  
Where men shall not impose for truth and sense  
The pedantry of courts and schools—  
There shall be sung another golden age—  
The rise of empire and of arts;  
The good and great inspiring epic rage;  
The wisest heads and noblest hearts.  
Westward the course of empire takes its way;  
The four first acts already past,  
A fifth shall close the drama of the day;  
Time's noblest offspring is the last."

Of course, the development of the Biltmore Estate has been worth something to the community in which it is situated. The owners built a palace. They beautified the surrounding grounds. They had much to do with the building of the village of Biltmore. They bought a considerable boundary of timber lands, from which they long ago sold the merchantable trees, which were manufac-



tured into lumber. They established a dairy, a nursery, some cloth mills, etc., and all these things called for a considerable number of workers from first to last, and a considerable amount of money has been spent in these developments. This has benefitted a considerable number of people in that immediate community; but Miss Morley gives it too much credit for the civilizing influence it has had on the Carolina Mountains. The Carolina Mountains embrace 10,587 square miles, with a population of 640,575. A very small per cent of these people have ever heard of the Biltmore Estate, and still fewer have ever seen it or felt its influence. Among the scores of lumber companies that have manufactured the timber from our lands, there were many that scattered vastly more benefits among our people than the Biltmore Estate ever did. These lumber developments reached every section of the mountains, and their operations resulted in a wide distribution of money. Everybody derived some benefits from these operations. Of course, the timber developments were not permanent. We have, however, one industry, among several other smaller ones, that is permanent, and that is the Champion Paper & Fibre Company, of Canton, in Haywood County. This plant produces a daily output of six hundred and twenty-five tons of pulp, paper, and boards. The plant also produces tanning extract, caustic soda, turpentine, and adhesives. It employs from fifteen hundred to two thousand men in its plant all the year round. But these employees are by no means the only people who benefit from this industry. It also owns and operates many large boundaries of timber, not only in Western North Carolina, but in the mountain sections of the surrounding States. Its benefits reach the mountaineer who owns trees in the remotest coves and on the farthestmost mountain tops. The benefits are enjoyed by the teamsters, the truck men, and the railroads. The industry provides the best market in this section for the farmer's products. At the plant in Canton it provides swimming pools, reading rooms, first aid to the injured, and other attractions and conveniences for the physical, intellectual, and moral well-being of its employees. Before a man can obtain a job with that Company he is required to undergo a rigid examination as to his physical and moral fitness. I have observed on many occasions when a jury was being selected for the trial of a cause, if the juror stated in answer to an inquiry that he is an employee of the Champion Paper & Fibre Company, he is at once accepted

unless he is disqualified by reason of his relationship to the parties, or by reason of some material interest in the cause itself.

The Company maintains its own nurseries and produces its own plants, and as it cuts and removes the timber from its boundaries it begins the work of reforesting the land.

I have heard it said that a corporation has no soul. Literally speaking that is true; but the men who own and direct the affairs of this Company are so humane, fair, and just to the men who work for it that the corporation itself has well-nigh assumed human form in the minds and affections of the people who deal with it. Long ago this great Company passed beyond the definition of a mere industry and became an institution in the Carolina Mountains. And so I say, that if an industry has a civilizing influence upon the people among whom it operates, then the people of Western North Carolina owe more to the Champion Paper & Fibre Company than to any other factor that has contributed to our marvelous progress and development in recent years.

I have never been the attorney for this Company, and have prosecuted more cases against it, perhaps, than any other lawyer in the Twentieth Judicial District; and, therefore, as a disinterested and unbiased witness I gladly bear this voluntary testimony to its great worth to our people.

Miss Morley, at page 177 of the Carolina Mountains, informs us that, "The mountaineer, it may be said in passing, sells his molasses by the bushel." Now, with all due deference to Miss Morley, I feel quite sure that she never saw a mountaineer sell molasses by the bushel; and if any one told her that such was the custom, it was some one making fun of her and she did not have sufficient discernment to know it.

At page 220 she tells us that back under the Smokies she heard of a sect of people by the name of "Barkers", who in their religious frenzy would run and bark up trees in the belief that Christ was there. I do not know whether Miss Morley heard of such people in the mountains or not. She says she did. I know many people by the name of Barker residing in our mountains, and they are all intelligent first-rate people. But I never heard of any of them barking up a tree as though they had Christ "treed" just as a hound dog would "tree" a coon or a wild cat. If I had been in Miss Morley's place, I do not believe I should have related this story about the "Barkers". Just a little investigation would have

proved to her that there were no such people in the Smokies or anywhere else in the mountains. Miss Morley could have no other purpose in publishing this story than to reflect upon what she would term the ignorance of the mountain people. She, like Kephart, says that we of the mountains are still living in the early part of the eighteenth century. However, she is very particular to say nothing about the ignorance and superstition which prevailed in her State of Massachusetts at about the same period. She does not tell us that, about that same period, the people of Massachusetts believed in witch-craft, or that farcical trials were conducted, and cruel condemnation was visited upon those accused of being witches. Mr. Bancroft in Volume II of his History of the United States at page 65, sums up one period in the following words: "Already twenty persons had been put to death for witch-craft; fifty-five had been tortured or terrified into penitent confessions. With accusations, confessions increased; with confessions, new accusations. Even the 'generation of the children of God' were in danger of 'falling under that condemnation'. The jails were full. One hundred and fifty prisoners awaited trial; two hundred more were accused or suspected.

It was observed that no one of the condemned confessing witch-craft had been hanged. No one that confessed and retracted a confession had escaped either hanging or imprisonment for trial. No one of the condemned who asserted innocence, even where one of the witnesses confessed perjury, or the foreman of the jury owned the error of the verdict, escaped the gallows. Favoritism was shown in listening to accusations, which were turned aside from friends or partisans. If a man began a career as a witch-hunter, and, becoming convinced of the imposture, declined the service, he was accused and hanged. Persons accused, who had escaped from the jurisdiction in Massachusetts, were not demanded. Witnesses convicted of perjury were cautioned, and permitted still to swear away the lives of others."

Such was the state of ignorance and superstition in Massachusetts at about "the early part of the eighteenth century." And Bancroft says that the chief witness and prosecutor of these witch-craft cases was Cotton Mather, the greatest preacher in Massachusetts at the time! No, had I been in Miss Morley's place I would not have said anything about ignorance and superstition in the mountains, and above all, I would not have told the "Barker" story.



At page 163 Miss Morley makes this remarkable statement: "When looking at the *average* highlander, with his bent back, his narrow shoulders and lean frame, one suspects that back of everything the people are starving—not so much physically, as mentally and spiritually."

This statement by Miss Morley rather sharply differs from the statement above quoted from Dr. Warren H. Wilson, the great sociologist, who spent most of his life in the investigation and study of the Southern Mountaineers. He was not talking about the people representing either extreme of mountain society. He was talking about the "mass or the average." Judging by his statement he found no evidence of spiritual hunger among our mountaineers.

Let me here relate a few instances, some of which have come under my own observation, the others being instances of which I have first-hand knowledge.

During the first year of my service on the Bench, at the July Term, 1933, of Haywood County Court, a man by the name of Sigsbee Parton was tried before me, and charged with the murder of a man by the name of Kingsmore. The jury convicted him of the crime of murder in the second degree, and, as I now recall, I sentenced him to a term of twelve years in the State's Prison. His wife sat by him through every stage of the trial. She appeared to be a fine, clean, country girl, and was a very pretty young woman. Within thirty days after the trial she was coming to me to ask me to recommend a parole for her husband. I explained to her that he would have to serve a considerable portion of his sentence before an application for her husband's parole would be considered. Finally, when the defendant had served somewhat over half his time, his wife came to see me and brought with her the defendant's mother. She appeared to be some seventy years of age. She was modestly but neatly attired, and I have never looked upon a kinder, more tranquil face. The defendant's wife said she had brought his mother along to do the talking for her, and thereupon, the following conversation ensued between the old lady and me. She said: "Judge, it just looks like I am obliged to have my boy out of prison. I simply cannot work much more. When I went home from the trial, I took Sigsbee's wife and children with me and they have been with me ever since. Sigsbee's wife, as you can see, is not able to work much, and most of the time

she is not able to get out of bed. I have clothed her and her children comfortably; I have kept the children clean and they have not missed a Sunday School or church service since Sigsbee went away. But I have treated Kingsmore's widow and her five children the same way. I have seen to it that they have had sufficient clothing and food, and I have seen to it that they have regularly attended Sunday School, church services, and the day school." I then inquired: "Do you mean to tell me that you have been taking care of the widow and children of the man who was killed by your son?" The old lady replied: "Why, yes. I have a very productive little mountain place, but it is very rocky, and it is two miles off the highway. This spring I carried on my hip from the highway up to my house six hundred pounds of grass seed to sow on my place. You see I have two little houses on my place. Sigsbee's wife and two children live with me and Kingsmore's widow and her five children live in my other house. Kingsmore's widow is sickly, too, and she is not able to work and none of the children are big enough to work much, and so with them all I am just about worn out, and I don't see how I can work much more." And then I asked this question: "So, since the trial, over seven years ago, you have been taking care of the widow and children of the man your son shot to death?" The old lady replied: "Why, yes, what else could I do? My son killed the husband and the father. They had no home. I had two little houses on my place. Do you see how I could have done otherwise?" When I got sufficient control of my voice I said to her: "I know of many other things some other people could and would have done. But of course a woman with your philosophy of life and your ideals of duty could have done nothing else." And then I sent for a stenographer, and I conjured to my aid every persuasive word I could find in the English language, and wrote my appeal to the Board of Pardons asking that it parole this young man; and I said in my letter that if this young man owed a debt to society he had already paid more than half of it by hard labor on the highways of the State; but that he did not and could not owe as great a debt to society as society owed to this grand country woman who had labored until she "could not work any more." This fine woman is an *average* mountain woman—one of the *mass*; and I wonder if Miss Morley could find any evidence in her life and conduct indicating that she is "spiritually starving?" If so, then Saint

James was wrong when he said: "Pure religion and undefiled before God and the Father is this, To visit the fatherless and widows in their affliction and keep himself unspotted from the world."

At one of the Fall Terms, 1937, of Rutherford County Superior Court, three fine looking young men, whose ages, I judge, were under twenty-five, came into my Court and plead guilty to a charge of house-breaking and larceny. Neither one of the boys had ever before been indicted for any offense. The evidence disclosed that they had broken into a house that was occupied only in the summer time. They had stolen several hundred dollars worth of rugs, silver, and other valuables, and carried the property to Asheville where they sold it. One of the boys was from Burke County, and his father had started him in some honorable business in Rutherfordton. His fine old father and mother attended the trial, and told me that, if I could give their boy a suspended sentence, his uncle in Oklahoma would give him at once permanent and lucrative employment. After the occurrence that I am now about to relate they withdrew this request, and at Christmas time a few weeks later I received a wonderful letter from them. The other two defendants were Rutherford County boys. When the cases were called for judgment, a fine, motherly looking woman arose just back of the Bar and asked permission of the Court to speak a word. I told her to come to the witness chair where all concerned might hear what she had to say. After she had taken her seat, she turned to me and said: "Judge, I am the mother of one of these boys. He has a fine wife and one sweet baby. I have a good home; and, if my boy has to go to prison, his wife and baby can live with me, and I am well able to take care of them. The other Rutherford County boy has a wife and three children. They live in rented property and their living comes from his daily labor. Neither the boy nor his wife have any people to look after them, and if this boy—their bread-earner—has to go to prison, the wife and children will necessarily suffer. I would rather have my right arm severed from my body than see my boy go to prison; but I have talked it over with him, and it is our wish, if you have determined what sentence you will impose on each of them, that you impose both sentences on my boy, so that our neighbor boy may stay at home and provide for his wife and helpless children." By the time this wonderful woman had finished



her appeal, I doubt if there was a dry eye in the Court room, and as she left the witness stand, I thought of the following lines:

"Who is thy neighbor? He whom thou  
Hast power to aid or bless;  
Whose aching heart or burning brow  
Thy soothing hand may press.

Thy neighbor? 'Tis the fainting poor  
Whose eye with want is dim.  
Oh, enter thou his humble door  
With aid and peace for him.

Thy neighbor? He who drinks the cup  
When sorrow drowns the brim;  
With words of high sustaining hope  
Go forth and comfort him.

Thy neighbor? Pass no mourner by;  
Perhaps thou canst redeem  
A breaking heart from misery;  
Go share thy lot with him."

It did not require a great while for me to find the place in that case where justice and mercy met and blended; and I knew that I had looked upon the face of another *average* mountain woman who had never felt the pangs of spiritual hunger.

A few years ago a little furniture plant was established on the banks of the French Broad River just below the Southern Railway Company's station in Asheville. This little plant was but an auxiliary of the mother plant situated in a distant State, the object for the establishment of this smaller plant being to manufacture furniture from the waste lumber left by the several great band sawmills then in operation in Western North Carolina. A fine young man from another State was placed in charge of this little plant as its superintendent; and by reason of his industry, his mastery of the furniture business, and his genius for leadership, he soon made this small plant one of the best paying enterprises owned by the mother Company. This little plant soon grew and prospered until it employed three or four hundred men—moun-

taineers, every one of them. By reason of his kindness and fair-dealing the young superintendent had endeared himself to all of the employees. The time came, however, when he became desperately ill. The mother company was notified, and its representatives came down and brought with them some of the greatest medical specialists to be found in the great Northern Cities. They found that the young man had lost practically all of his red blood, and an immediate blood transfusion was necessary in order to save his life. The great physicians advised that the patient must at once have a transfusion of blood from the veins of a strong, robust, out-door man. Accordingly notices were printed and posted on the walls of the furniture factory, described the urgent need of the young superintendent, and requesting that, if there was one among the employees of the plant willing to give his blood, he should report at the hospital at a certain hour the following morning. When the hour arrived the next morning, these brave employees, these strong, sturdy mountaineers did not come to the hospital by ones and twos, but by the score they came, until in solid phalanx practically the entire working force of the factory marched to the hospital and with one unbroken voice exclaimed: "Here am I; take me; I will give him the blood!"

The mere recital of this incident of courage and sacrifice carries with it the absolute assurance that there was not a spiritually "hungry" man in all that crowd!

As I have heretofore stated in these pages, I was born and reared at the foot of Whiteside Mountain on its south side. Just across the mountain four miles to the northwest, Charles N. Wright, my second cousin, was born and reared. At the time of the occurrence here related he was a merchant at Highlands, in Macon County.

On Sunday, May 14, 1911, Charles N. Wright, with his wife, and a party of friends, went from Highlands by hack to the top of Whiteside Mountain. About ten or fifteen feet below the highest projection of that grand old mountain, there is a rock about twelve feet wide, where it leaves the mountain, but tapering almost to a point at the other end. This rock reaches out into space twelve or fifteen feet, and is separated from the main body of the mount by some five or six feet of space. The rock has always been known as "Fool's Rock", so called, no doubt, for the very apparent reason that no one but a fool would undertake to walk

out on it. It is said that when you stand on it you can feel the rock swaying up and down. To fall from it would mean that the chances are ten thousand to one you would slide down a precipitous cliff a distance of several hundred feet and then fall over a sheer precipice a distance of two thousand feet to the boulder-bestrewn ground below. On the occasion in question a young man by the name of Baty, then twenty-six years of age, despite the earnest protests of the other members of the party, walked out to the end of "Fool's Rock". Losing his balance, he fell off the rock on the side next to the mountain. He lodged for a moment on a ledge, then rolled off and on to another ledge. Rolling off that one, he slid some three hundred feet or more to the brink of the precipice. There his feet crossed and hung against a little ivy bush growing out of a crevice at the brink of the cliff, and there he lay crappled and unconscious. The lines and harness from the horses were procured, but after piecing them all together a line long enough to reach the man could not be made. Some of the men of the party started to climb down the steep declivity; but either losing their nerve, or considering that a man who was fool enough to walk out on "Fools Rock" as Baty had done, was not worth the certain risk of another man's life, they "passed him by on the other side" and returned to a place of safety. But not so with Charles N. Wright. Ridding himself of his coat and shoes, alone he made his way inch by inch down the cliff, part of which was at an angle of forty-five degrees, and much of which was almost perpendicular, well knowing that a misstep by the mere fraction of an inch would plunge him to the rocks two thousand feet below. When he at last reached Baty, the unfortunate fellow had changed his position so that one leg and one arm were dangling over the precipice, separating him from eternity by not more than one or two inches. By some means, no human being can tell you how, Wright lifted Baty up to where he could get his head against him, and then pushing him with his head, using handholds and footholds consisting of little ridges and hollows not more than one inch deep in the cliff, after two and one-half hours of struggle, Charles N. Wright performed the miraculous feat of bringing Baty safe to the top! I have had every inch of this perilous way pointed out to me, and I have heard the best mountain-climbers in that section say that a wild cat could not travel, unaided, the route over which Mr. Wright pushed the helpless body of his friend. For this act of



marvelous bravery and endurance, Wright was awarded by the Carnegie Hero Fund Commission \$2,000 in gold and a gold medal valued at \$2,000. Mr. Wright was an average mountaineer, and I am sure no one would say that he was suffering from spiritual hunger. Ah, No; his soul was overflowing with the love of his fellow-man. Well may it be said of him that "Greater love hath no man than this, that a man lay down his life for his friend."

"The man was at the bottom of a pit.  
He had blundered or stumbled into it,  
Or lost his way, or knowing it was there  
He thought he might escape the cruel snare.  
But there he was, and there he cried for aid;  
And there, but for assistance, he would have stayed.

Came one, who, passing by heard him call.  
'My friend,' said he, 'how chanced you here to fall?  
Had you but asked me yesterday the way  
I could have saved you this but not today.  
I could have told you that the pit was here.  
I could have led you where the road lies clear.'

Another came and sadly shook his head;  
'You laughed at every warning that I said.  
You would rush on though I said, Beware!  
You would attempt it though I said, Take care!  
My wisdom would have spared you such a fate,  
But it is useless when you ask too late.'

A third man came. 'Hold fast,' said he, 'Take hope.  
I'll run and ask the neighbors for a rope.  
The pit is deep; of that there is no doubt,  
But I will undertake to get you out.'  
And questioning not how came the man to fall,  
He drew him back to safety after all."

I could mention scores of cases in which average mountaineers have exhibited the highest examples of altruism and unselfish friendship similar to the foregoing. Those who know—and their name is Legion—will testify that the average mountaineer needs

no defense or apology in respect to his physical, mental, or spiritual strength. The mountaineer is independent and proud; independent because he knows his rights; and proud because he knows that he has courage to defend them. If you trespass too far on his rights, in the language of Diogenes of olden times, when Alexander the Great trespassed too far upon him, he will ask you, "Will you please get out of my sunshine?" If this polite request is not heeded, when you awake, you may wonder whether you have been struck by a Kansas cyclone, or one of the thunderbolts of Jove. Or it may teach you to sympathize with the man who carried a wild catamount home by the tail, and acquired an experience in the process that will never grow dim or doubtful!

The purest Anglo-Saxon blood, the strongest and most magnificent bodies, and the clearest brains, are found among the Carolina Mountaineers; and they have furnished leaders in all the vocations of life.

The Carolina Mountaineers will gladly share their bounty with their friends, or give their last crust of bread, or their last penny to any one in need. They are generous to a fault, and are the most hospitable people on earth. John Fox, Jr., in his book "Blue Grass and Rhododendron", tells of an experience of his that illustrates mountain hospitality everywhere. He was spending a night in the log-cabin of a man who lived far back in the mountains of Eastern Kentucky. The family consisted of the father and mother and thirteen children. When supper was ready they all seated themselves around the table (there was but one room in the house), the mother and father occupying seats at each end. At the end of the table where the lady sat, there was a three gallon jug of buttermilk, fresh from an ice-cold spring. In the center of the table, there was a large platter, and in it there was about a bushel of Irish potatoes, boiled with the peeling on. When the old man had asked a blessing he shoved this platter of potatoes in front of Mr. Fox's tin plate and said: "Stranger, take a tater; take two or three of them; take durned-nigh all of them!"

Yes, civilization, even as that term is defined by Mr. Kephart and Miss Morley, has come to the Carolina Mountains. As I write these words I am sitting on the porch of my log-cabin office, which I have built within ten feet of my dwelling in Waynesville. Within the last hour, I believe that three hundred automobiles have passed my door; not old-time model T Fords, but large, expensive cars

of the latest models. And I do not live on one of the Main Streets of Waynesville either. I heard the shrill scream of locomotive whistles and looking down into the valley I saw a train with at least fifty freight cars, laden with pulp and acid wood, lumber, live-stock, and other products, drawn by two powerful engines, on their way to the markets. I heard a mighty roaring in the sky which proved to be the drone of two large airplanes, cutting across the heavens like giant birds of passage, and sufficiently far aloft to enable them to scale the highest peaks of the Balsams and the Smokies. I turned on the radio and listened to a fiery but eloquent speech delivered in the House of Commons in London, by Winston Churchill, on the objects and war aims of Great Britain. Tonight I shall listen over the same radio to one of President Roosevelt's masterful political speeches to be delivered at Madison Square Garden in New York City. I placed a record in a late model graphophone, and heard Arthur Smith, the matchless fiddler (not violinist) of Tennessee, play in his inimitable style, "Turkey in the Straw" and the "Tennessee Wagoner", and these sweet, old-time mountain melodies carried me back through the vanished years to the days of my boyhood, when my brother and I "made the welkin ring" with our fiddle and banjo, while the awkward lads and the graceful lassies made the floor sway and resound in the "Old Virginia Reel." In those good old days we "danced all night till broad daylight and went home with the girls by the light of the moon."

"In the happy long ago,  
When I used to draw the bow  
At the old log-cabin hearthstone all aglow,  
Oh, the fiddle laughed and sung,  
And the puncheons fairly rung  
With the clatter of shoe soles long ago.

Oh, the merry swings and whirls  
Of the happy boys and girls  
In the good-old-time cotillion long ago.  
Oh, they danced the highland fling,  
And they cut the pigeon wing,  
To the music of the fiddle and the bow.



But the mischief and the mirth  
And the frolics 'round the hearth,  
And the flitting of the shadows to and fro  
Like a dream, have passed away—  
Now I'm growing old and gray,  
And I'll soon hang up the fiddle and the bow.

When a few more notes I've made,  
When a few more tunes I've played,  
I'll be sleeping where the snowy daisies grow,  
But my griefs will all be o'er  
When I reach the happy shore,  
Where I'll greet the friends who loved me long ago."

When I awoke from the dream of "the long ago," the telephone was ringing, and when I took down the receiver I found that my caller was a lady in Detroit, Michigan, who informed me that she had compromised a law-suit that she had pending in the Courts of Graham County, and that she was sending me by air mail the compromise judgment for my signature.

But why go on? Everybody knows that we have the same arts and conveniences of civilization here that are enjoyed by similar communities all over the land; and here our towns are not so large that we are deprived of the advantages of country life.

I often wonder whether our people are as happy now as they were in the old days when necessity required every one to *make* all the things that go to constitute a livelihood. The ox-team and the old tar-axle wagon have been replaced by the automobile. The old stage-coach with its well-trained horses, has been relegated to oblivion by the palace car and the airplane. No longer do we hear the echo of the hickory maul as it contacted the iron wedge and the dogwood glut in the process of splitting rails. Never again will we hear the black-gum mallet as it hammers on the frow while enough boards are being "rived" to put a new roof on the house or the barn. The music of the loom and the spinning wheel, which once mingled with the murmur of the winds till midnighit, is silent now. Where now is the old ash-hopper that stood in the kitchen yard filled with hickory ashes from which the lye was extracted for use in the manufacture of "soft", or home-made, soap? Now we bathe in the bath-room in a beautifully

enamelled bath tub and use sweet-scented soap and perfumed powders every time we bathe. In the good old days we washed in the old swimming hole down at the bend of the Creek, and used this home-made soap that was sufficiently potent to take the hide off of a rhinoceros. When you washed with that soap you stayed washed!

But the mountains and the forests, the rivers and the brooks, the sunshine and the moonlight are still here, just as beautiful as they were when the Morning Star sang Creation's Hymn; and even now we have much to be thankful for. So—

"I'll sing tonight of a forest bright,  
In a temple of mountains old;  
Where the silvery breeze from the princely trees  
Weaves gems from the moonbeam's gold.  
Where the fairies spin in the purple dim  
Soft light of the sunset glow  
By a firefly's spark in the mystic park,  
Where the beautiful forests grow.

Oh! let me dream of the hills serene  
That loom o'er the pilgrim's camp  
While the reveilles of the wooded seas  
Float down from the star-swung lamp.  
There are birches gray with their lichen gay,  
By the poplar with chalice cup,  
And the holly red near the laurel bed  
With the mistletoe clambering up.

Hark! 'tis an Indian's oar by the willow shore—  
Oh! the sweep of his wild canoe;  
And the hunter's horn—exquisite, forlorn,  
Somewhere—from the Smokies blue.  
Lo! a song is heard—'tis a mountain bird—  
Entrancing, far, strange, sublime,  
Whose flocks have flown 'mid the sycamores lone  
Since the dawn of ageless time.

I love to sing of a wondrous thing  
That the fabulous forests know,  
For God once stood in a reverent wood  
On earth in the long ago.  
He preached on the hills, by the sea, by the rills;  
Yes, He walked by the river's flow  
And the light of His grace gleamed over the place  
Where the national forests grow."



## CHAPTER XXVII

### MOUNTAINEER WIT.

*And I will say to my Soul: Soul, thou hast much goods laid up for many years; take thine ease, eat, drink, and be merry.*

LUKE, 12: 19.

The average Carolina Mountaineers are energetic and industrious. Most of them manage to have considerable "goods laid up", if not "for many years", at least from year to year, so that at all times they have the essential necessities of life in abundance, most of the conveniences that are universally enjoyed in America in rural sections, and many of the luxuries.

Most of them take their "ease" when they feel like it; all of them "eat" pretty much everything in sight; some of them "drink", and all of them are "merry".

You will travel many miles and visit many places before you will find the spontaneous outbursts of genuine wit and humour that you will find among the average Carolina Mountaineers.

For many years I have made note of many of the funny and witty sayings and anecdotes that I have heard throughout my life in the mountains; and both because I believe that they are worth preserving, and because I know that many of my friends will enjoy them, I record a few of them here.

I believe that the wittiest man who ever lived in the mountains was old "Uncle" Boney Ridley, of Macon County. He lived in a cabin high up on the Cowee Mountains, near the Jackson County line, at the head of Watauga Creek. His lifelong friend and boon companion was Dr. "Snipe" McCloud, of Franklin. This Dr. McCloud was by nature a very brilliant man. He was fairly well educated for his day, but he had no profession. However, the time came when another Doctor's services were needed in Macon County. This was before the law required a Doctor to take a course in medicine or to have a license to practice the "Ancient Mystery" of his profession. So, Mr. McCloud purchased "Dr. Pierce's Home

Remedy" book, some saddle pockets, a few bottles of Castor Oil, and other medicines, and at once entered upon the practice of medicine. The sequel to the story is that by reason of his brilliant mind and his long experience he became a successful and useful physician in Macon County. It is said that he and Boney Ridley never met (and they met almost daily) but that they got on a "spree" together. These sprees usually occurred at "Uncle" Boney's home up on the Watauga on Cowee Mountain, much to the disgust of "Aunt Polly", Boney's wife, who was a very religious woman.

It is related that on one occasion these two friends had "protracted" their spree for several days at Boney's home on the mountain. In the meanwhile their stock of "peartenin'" was exhausted and in order to continue their revel it was necessary to go to Franklin, eight miles away, where a "grocery" was operated at which liquor could be legally obtained. It was during the rainy season in the mountains, and the streams had overflowed their banks. Boney had no stable, and he kept his horse and the Doctor's horse in a neighbor's pasture down at the foot of the mountain in the "settlement", some two miles from the Ridley cabin home. So, Boney and his medical friend walked down the mountain to where their horses were. On both sides of Watauga Creek there are narrow strips of bottom land. The owner of one of these strips of bottom had just cut a ditch some three feet deep at the edge of the road which followed the banks of the stream. The road, the ditch and the bottom were flooded with water, and neither Boney nor the Doctor knew that the ditch was there.

Boney and the Doctor were wading along trying to follow the road; but the old Doctor, being also more or less "flooded", made an awkward step and fell lengthwise in the ditch and immediately sank to the bottom. It was "Uncle" Boney's habit, when drinking, just before speaking, to brush his lips, as though he were knocking a fly or yellow jacket off his mouth. When the Doctor fell into the ditch Boney got him by the hand and tried to pull him out. Being unable to do so, he brushed his lips and said: "Well, Shnipe, I've always profeshed to be your friend, and I'm now goin' ter give you the shupreme tesht of friendship. If I can't get you out of the ditch I'm goin' ter get in there and stay with you", and thereupon he fell in on top of the Doctor and both of them sank to the bottom of the ditch. But for the timely appearance of a passerby, this would have been the last spree these old fellows would have taken to-

gether. However, they got their horses and went on to Franklin. After reaching the old "grocery" they soon forgot their cold bath in the muddy waters of the ditch.

The law required the closing of this grocery at dark, and when that time arrived the owner told the old men they would have to go. When they went out they found that the Doctor's horse, being near home, had broken its bridle and left. Boney insisted that the Doctor must go back home with him; so he had him to get up in the saddle on his own horse and Boney got on behind.

After travelling up the road for two or three miles the Doctor discovered that the horse had stopped and Boney was missing. He then discovered that Boney had fallen off and was lying stretched across the road directly under the horse. After calling to him several times, Boney said: "Shnipe, if I ain't the worsh mishtaken I ever wuz, I believe I heard something drap!" The old Doctor got off and dragged Boney from under the horse and up on the bank of the road. Remounting, he backed the horse up against the bank and told Boney to get on, which he proceeded to do, but in the process he got on backward so that each time the horse took a step, the backs of the two men would bump together. Finally Boney discovered that he did not have hold of the bridle. He felt around for it in vain, and then said: "Shnipe, if I ain't the worsh mishtaken I ever wuz, it wuz this horse's head that I heard drap, for I shore can't find it on this end!"

It is said that Boney "protracted" this spree until it was thought that he was going to die. All day long on Sunday the neighbors had been gathered at his bedside singing "Hark, from the tomb a doleful sound", and other songs of like encouraging import. Finally Boney sent for "Aunt" Polly, his wife, and said to her: "Polly, you have always had great faith in prayer. I'm afraid I'm dying and if there is anything in prayer, I want you to pray for me now." Aunt Polly, good old religious soul that she was, dropped to her knees, and began to pray in this manner: "O, Lord, please have mercy on my poor, old, drunken husband." When she got that far Boney interrupted her and said "O, dam it, Polly, don't tell Him I'm drunk; tell Him I'm sick."

Long before the time of our prohibition laws, the Methodist Minister at Franklin announced that on a certain Saturday he was going to deliver a temperance lecture at Highlands, in the upper part of Macon County. At this time "Uncle" Boney was upwards



of eighty-two years of age, but he was as straight and erect as a Cherokee brave.

On the morning of the day that the lecture was to be delivered, Boney had walked across the mountains from his cabin home on the Cowee to Highlands, a distance of some twelve or fifteen miles. Some mischievous young men, after apprizing Boney of their intention, introduced him to the Minister, assuring him that Boney had walked all this distance across the high mountains for the sole purpose of hearing the temperance lecture. He was about "three sheets in the wind" at the time, but of course the minister did not know it. When the minister had delivered the first half of his lecture he said: "Now I am going to give you people a living illustration of what temperance will do for a man. Back there sits brother Boney Ridley, who is now eighty-two years of age; but he has walked fifteen miles over a mountain path this morning in order that he may hear me deliver this temperance lecture. Brother Ridley, stand up back there and tell these people what temperance has done for you." "Brother" Ridley arose to his full stature of six feet and three inches, and said "Well, preacher, I am bound to confess that for the greater portion of my life I drank to excess. But some twenty years ago I commenced *tapering* off; and it has got so now that if I drink more than a pint at any one time, it has a terrible tendency to fly to my head!"

Boney and "Aunt" Polly lived in a typical pioneer log cabin of one room.

In those early days the people did not have cupboards, cabinets, safes, chests of drawers, and furniture of like kind, for storing clothing and other articles, and so in the construction of these cabins the topmost log, called the "wall-plate" was hewn from a rather large tree so that the top would be flat and smooth. The rafters then were fastened down to the outer edge of this wall-plate. When the roof was put on a space was left between rafters, roof, and wall-plate, big enough for a large cat to go through. These cabins had but few windows, and the aforementioned spaces between the rafters served to ventilate the room, while the wide wall-plate was used for shelf room. In those days there was no spool thread such as we have in more recent years. Thread used for sewing purposes came in large "hanks" and was then wound into large balls. In one corner of the Ridley cabin there was a very small table, and on this table was left the old cedar water bucket and a large gourd. Aunt Polly,

among other things, had some balls of sewing thread up on the wall-plate above the water bucket. One of these balls was about the size of a goose egg.

One night Boney came in about two o'clock A. M., full of "corn". In getting to his bed in the darkness he fell over a chair and made such a racket that Aunt Polly was awakened, and she proceeded to give Boney "a piece of her mind". After awhile Boney awoke with a terrible thirst. In trying to reach the water bucket over in the corner he fell over another chair which again aroused Aunt Polly. During the night the wind had blown a ball of thread of goose egg proportions off the wall-plate into the water bucket. Boney grabbed the gourd and hurriedly drank about a quart of water, and in the process swallowed this ball of thread. As the ball had fallen a strand of the thread unwound. After swallowing the thread, Boney felt something between his lips. He commenced pulling it, and as he pulled it he could feel the ball of thread revolving around in his stomach. He began to scream and called for Aunt Polly. She jumped out of bed, fell over one of the chairs Boney had upset, and stormed at him: "You old drunken sot, this is the third time you have disturbed me, what is the matter now?" Boney replied: "Polly, don't abuse me now, of all times, for I do believe that I am *onraveling* from the inside!"

Boney had an enormously large mouth. On one occasion down at Franklin, when Boney was pretty well "soaked" with corn juice, one of his friends offered to bet five dollars that Boney could put a goose egg in his mouth and then close his lips without breaking the egg. An egg was procured and Boney put it in his mouth and closed his jaws, with the result that he swallowed the egg. He became very much frightened and ran into Dr. Lyle's office exclaiming: "Doctor, I have swallowed a goose egg and I want you to do something for me at once." The Doctor told him not to be alarmed, that he was in no danger at all; to which Boney replied: "But Doctor, you don't understand; I have swallowed a goose egg *whole, shell and all*. I fear that if I move or walk around it may break inside of me; and if I stay still the darned thing is liable to hatch!"

Late in life Boney went to Walhalla, South Carolina, to see John Robinson's Circus. He had never before seen an elephant. On the day of the elephant parade Boney was amazed at the size and shape of the huge animals. The largest of the herd was walking along switching his tail and swinging his snout. Boney, in his excite-

ment, got a little too close and this elephant threw his snout around, and, striking Boney, knocked him about fifteen feet away. Boney jumped up, picked up a rock, and starting toward the elephant, said: "If I had any way of finding out which *end* your head was on I would knock your durned brains out."

Always when Boney went to Franklin, which was quite often, he would borrow twenty-five cents from Mr. Steve Porter, a prominent citizen of Franklin, the object being to invest the money in a drink of liquor. Mr. Porter decided that he would stop Boney's practice by embarrassing him. The next time he came to town Mr. Porter, seeing Boney talking to a group of men, went up to them and said: "Boney, will you please loan me a quarter? I will return it the next time you come to town." Boney instantly replied: "I would like to accommodate you, but I don't expect to come to town again as long as I live."

When Cleveland was elected President, Mr. Green Trotter, a Democrat, was appointed Postmaster. The government did not provide Post Office buildings in those days, so Mr. Trotter constructed a building for the purpose. There was a little front room about four feet by six, with an opening about two feet square in the partition into the back room where Mr. Trotter kept the mail. When you desired your mail you would poke your head through this opening and ask for it. After Aunt Polly died Boney Ridley lived with his sister on the outskirts of Franklin. One day Boney went to the Post Office to ask for his mail. Mr. Trotter did not know him. Boney poked his head through the opening and inquired: "Have I got any mail?" Mr. Trotter inquired: "What is your name?" Boney replied: "Why you durned old fool, you, if I've got any mail, I reckon my name would be on it, wouldn't it?"

One night after dark Boney borrowed twenty-five cents from his sister, his purpose being to go to town and buy a drink. His sister's house was situated on the side of a hill and a long flight of steps led from the porch down into the yard. As Boney started down the steps he stumbled and rolled clear to the bottom. By the time he reached the bottom he had lost his money. He did not dare ask his sister for another loan, but he went on to town anyhow. At the time there was but one street light in Franklin. This was an old time street oil lamp, fastened to a high post in front of the Munday Hotel. Boney stopped in front of the hotel, got down on his hands and knees, and began to scratch around in the dust. Mr. Munday



came to the door, and seeing Boney down in the dust inquired: "Boney, what on earth do you mean, crawling around in the dust that way?" Boney replied: "Well, I fell off my sister's porch a little while ago, and lost twenty-five cents, and I'm looking for it." Mr. Munday said: "Why, your sister's house is a half mile from here. Why don't you go back to her house and look for your money where you lost it?" Boney replied: "Well, it's very dark up there, and as my eyes are failing, I thought I had better look for it where there is a light, so I can see what I'm doing."

After Boney went to Franklin to live with his sister, one of his friends one night found him about midnight leaning against a brick building. He was holding a piece of white paper against the wall with his left hand, and with a pencil in his right hand he appeared to be writing a letter. His friend inquired: "Boney, what are you doing?" "I am writing a letter", said Boney. "Who are you writing to?" his friend inquired. "I am writing a letter to myself", Boney replied. "What are you writing to yourself?" his friend desired to know. Boney replied: "How in the h— do you think I would know? I won't get it till the mail comes tomorrow."

Dr. McCloud, Boney's friend, was also very witty. On one occasion he was visiting a patient far back in the country. He accepted an invitation to stay for dinner. The coffee was very, very weak. Just enough coffee had been put in the pot to slightly discolor the water. The doctor poured out a saucerful in the good old fashioned way and started with it to his lips. Just as it was about to reach its journey's end, the lady said: "Doctor, won't you have sugar and cream for your coffee?" "No, thank you," the doctor replied. By now he was in the act of taking the coffee into his mouth and the lady inquired: "You take it barefooted, do you?" By now the doctor had tasted the coffee, and he replied: "Yes, and d—— nigh naked, too."

Back in the days when the Mountain counties were busy arousing public sentiment in favor of special school tax districts, an all-day educational rally was held in the Court House at Franklin. In the forenoon out-of-town speakers addressed the crowd. In the afternoon many local speakers were called upon. All day long a young man of Macon County by the name of Fid Hurst was present, greatly enjoying the festivities. He perhaps had had a little too much "festivities" and had become a little bit hilarious. Finally a young preacher was called upon for a talk. He was a native of the

County, but after obtaining such limited education as the country then afforded he had, for several years, had charge of a church in a distant State. When he arose he said: "I am a living illustration of what education will do for a man. When I was a boy I had a little yoke of steers. I swapped my steers for a young mule, and I took that mule over into Jackson County to the Cullowhee High School and I put that mule into my head." At this point Fid Hurst, from the back end of the Court Room, yelled at the top of his voice and said: "Yes, and it kicked your d—— brains out, too!"

Many years ago almost all of the Counties West of the Blue Ridge were included in one State Senatorial District. A Convention was held out in the open air down in the Nantahala Gorge where the crystal waters of the river of that name ripple around the boulders as they flow merrily on to mingle their music with the murmuring melodies of the Tennessee. Tradition says that the crystal stream was not the only liquid that flowed around the assembled hosts on that occasion. Several candidates were placed in nomination. Finally a delegate arose and said: "Gentlemen, I desire to place in nomination a candidate who will meet every requirement of the most exacting. His career will appeal to the business men. His nomination will be satisfactory to all classes. His nomination will be especially pleasing to the farmers, because he grew up between the corn rows." At that point a man back in the crowd, overflowing with good "spirits", jumped up on a stump and yelled: "A pumpkin, by gosh!"

Up in my native County of Jackson there was a township that did not have good roads some years ago, connecting it with the remainder of the County. It was well-nigh impossible to get a doctor to go into that section, even in a case of serious sickness. Finally an old gentleman in that community bought a volume of Dr. Pearce's Home Remedies, a pair of saddle pockets, and a variety of patent medicines and commenced practicing medicine. A friend of mine was spending a night in that section with a friend of his. During the night a little child became violently ill. This old doctor was sent for. When he arrived he sat around for an hour or so, watching the baby, but did not offer to do anything for it. Finally the frantic mother said: "Doctor, my baby is going to die unless something is done for it at once. Do you not have any medicine that will relieve it?" The doctor replied: "No, I do not have any medicine with me that will relieve its present condition;

but I have some medicine that will throw it into *fits*, and I am *hell on fits!*"

A vendor of "white lightning" met a man just below a cotton mill in one of the Mountain Counties, and offered to sell him some liquor. The man inquired: "Has it got any kick in it?" The boot-legger replied: "Well, as I passed the cotton mill up there I saw one of these little red ants dragging a dead grasshopper that was about two inches long. I stopped to take a drink, and in the process I spilled a drop on the ant's back. It left the grasshopper, went up to a bale of cotton that was lying there, hung its heels in the bale of cotton and said: "Come on, big boy!"

There was once a place in one of these Mountain towns where liquor was sold by the drink. Some men, while taking a drink, dropped two or three drops on the floor. A rat ran out of its hole and lapped up the drops of liquor. When it had finished, it ran out into the middle of the floor, reared up on its hind feet and slapped its fore-feet together, and said: "Now, durn you, bring on your cats!"

A regular "toper" who never did pretend to work, was sitting on a box in a grocery store on a Saturday evening. A man who worked regularly in one of the plants in the town came into the store and purchased a large quantity of groceries, sufficient for the family's use for the ensuing week. As he left the store carrying the groceries this old "toper" remarked: "Now there's that crazy man spending all his money for groceries, and I'll bet the durned fool ain't got a drop of liquor in his house!"

A very stubborn Mountaineer, before he left his office, was overheard by his stenographer, talking to himself in his private office. This was a habit he had. He said: "I'm going home, and if Sallie does not have supper ready when I get there, I'm going to raise the very devil with her; and if she has got it ready, I won't eat a d——bite." He came in late one night and when he got to the door he inquired of his wife: "Sallie, have you got any hot bread baked?" Sallie replied: "Yes, my dear." He then inquired: "Well, have you got any cold bread baked?" Sallie replied: "Yes, my dear." He then asked: "Well, what in the h——did you bake both kinds for?" About that time the rolling pins and broom handles commenced flying through the air, and this ill-used husband ran through the back yard singing: "I wish my wife wuz a angel, far, far away."



Since I have been on the Bench, when I am holding Court in a border County I make it a point to go over into the County seat in the adjoining State. On one of these occasions, the Circuit Court in that County was in session. I met the Judge in the Court Room and he ordered the Sheriff to place a chair upon the Bench beside his and had me to come up and preside with him for awhile. In that particular State, the Judge, instead of the Solicitor, calls the cases for trial. After chatting with me for a few minutes the Judge picked up a file of papers and called the case of "The State vs. Jim Abernathy." Said the Judge: "Jim, the indictment charges that over at the colored Association last August you emptied two loaded pistols into a crowd of negroes and hit nine of them. Are you guilty, or not guilty?" Jim replied: "I might be guilty, but though you prove it." "Have you a lawyer?" the Judge inquired. Jim said he did not have a lawyer. "Well," said the Judge, "What do you want to do with your case?" Jim instantly replied: "Mr. Judge, if it's all the same to you, I believe I'll *Noll Pros* her."

In one of the Mountain Counties a very fat lawyer addressed the Jury for about two hours in a murder case at the August Term. About every ten minutes he would go up to the Bench and pour a glass of ice water from the Judge's pitcher and drink it. After he had used about a dozen glasses of the Judge's water (Judge Cook was presiding), the Judge remarked: "I have never known until today that a windmill could be operated by water power."

In Henderson County I found the record of a Coroner's report filed in a homicide case, in the early history of that County. The weather had been far below the freezing point for a week and the dead man was found lying on a sand-bar in the edge of the river. His clothing was frozen into solid ice, and his head had been crushed by a severe blow of some sort. A lawyer had advised the Coroner that he should file a report in writing, setting forth the facts just as he and the Jury found them to be. The report is in these words: "We, the Coroner and the Jury, find that this man had been knocked in the head and killed, that he was then thrown into the river and drowned, and that he then floated out on a sand-bar and froze to death!"

Over in McDowell County a Justice of the Peace wrote a contract between two men providing for the sale and manufacture of a boundary of timber. After writing down what the parties had agreed to, the justice wrote the following clause on his own ac-

count: "If either one of the parties to this contract shall violate any of the provisions of the same, he shall be guilty of a misdemeanor."

A Justice of the Peace of my County many years ago was trying a man for refusing to list his property for taxation. The defendant did not own anything but a goat, and he insisted that a goat was not property and, therefore, not taxable. The magistrate inquired: "Does your goat ever go out on the public road?" The defendant admitted that it did. "Well, does your goat ever butt anybody?" the magistrate inquired. The defendant again answered in the affirmative. The Justice of the Peace took down a volume of the Revised Statutes, and said: "I have read in this here law book that all property a buttin' on the public road is liable to tax; you admit that your goat gits on the public road, and that it 'butts'; so I'm a holdin' that you are guilty."

I tried a very old colored man for larceny. He had no lawyer. After the Solicitor had passed the Jury, I advised the defendant: "Uncle Charlie, are you willing for those twelve men over there to hear your case?" "Uncle" Charlie looked over the twelve, there being six men on each of the two rows of seats. After a careful inspection "Uncle" Charlie said: "Well, suh, I don't know, suh." I then said: "Well, under the law you have the right to stand aside as many as six of them without assigning any reason for it." "Uncle" Charlie again looked over the twelve men sitting on the two rows of seats, turned to me and said: "Well, suh, if it's all de same to you, suh, I believes I will 'liminate de fus' row."

I tried a civil case in one of the Mountain Counties. After the case was submitted to the Jury they considered it for three days and failed to agree. Each time they reported that they had stood eleven to one from the time of their first ballot. Each time this report was made, I noticed that eleven of the jurors looked sternly at one certain man on the Jury. It was easy to conclude that this man was preventing a verdict. I had been permitting the Jury to separate and return to their homes at night; but on the evening of the third day I had an officer sworn and advised the Jury that they would be kept together until a verdict was reached. I then instructed the Sheriff that if the jury was not ready to render a verdict by seven o'clock to send twelve suppers up to the jury room. As the jury was filing out of the Court Room on their way to the jury room, one old fellow stuck his head around from behind the door, and said: "Judge, if it is all the same to you, I wish you would

make that eleven suppers, and a bale of hay and a gallon of shelled oats!"

I held my first Court in Surrey County, North Carolina, during the spring of 1934. During the morning session on the first day a tall, poorly-clad man plead guilty to an attempt to make liquor. The officers found a little distillery back in some cove on the side of the Blue Ridge. All the material was there ready for use, and a fire was blazing in the furnace, but the defendant had not yet actually begun to make the liquor. Later in the day the case was called for judgment. A Methodist minister who had charge of some small churches far up on the Blue Ridge came forward and said he knew the defendant, that he was not a bad man at heart; that he had an unusually large family, and that he was of the opinion that the man was well-nigh forced to do this in order to provide bread for the large family. When the minister concluded, the defendant arose and said: "Judge, I was not able to employ a lawyer, but I want to say a few words in my own behalf. I have thirteen children, the oldest being only fifteen years of age. Four different women are the mothers of my children. I have been married four times and am now living with my fourth wife. My other wives are dead. But all four of my mothers-in-law are still living, and three of them are living with me. Judge, I am as poor as it is possible for a man to be. I have never had but two things in my life that have remained with me always, and one of these things has been my appetite, and the other has been my mothers-in-law, and I have never yet been able to satisfy either one of them!" I at once suspended the judgment in this case without the imposition of any further penalty on the ground that the defendant had already been sufficiently punished.

This reminds me of the man whose mother-in-law had lived with him for a long time, and he had never been able to get along with her. He was away from home when she died. The funeral director telegraphed him of his mother-in-law's death and asked for instructions as to whether he desired that the body be embalmed. The son-in-law sent the following telegram: "Embalm her, cremate her, and bury her; I don't want to take any chances."

Up in Watauga County I heard the story of a man who lived with his mother-in-law in a cabin by the road side in that County. A stranger was riding through the country, and as he passed this cabin he saw a woman sitting in the middle of the room knitting



a sock. Just as he was passing the door he saw a large panther leap through the window into the room where the old lady was sitting. Seeing a man sitting on the bank of the road above the house, he hurried his horse up to where the man was. His face was badly scratched, about half his hair appeared to have been recently pulled out, and one eye was swollen until it was completely closed. He asked the man who lived in the house. The man replied: "My mother-in-law lives there, and I stay there part of the time." The man told him about seeing the panther jump into the room and told him he had better hurry down there and protect his mother-in-law. The man replied: "No, I'll not go down there; if that panther haint got no better sense than to go in there alone, let the d—— fool get out the best way it can, like I did."

For many years while I was a young lawyer, and even after I had many years experience, I represented a man who was very neglectful about paying me for services. Finally we compromised and balanced our books. Later on he employed me in a matter in which my fee amounted to Fifty dollars.

I sent him several statements which brought no results. At last my account was outlawed. Sufficient time had elapsed that would give my client the right to plead the statute of limitations against my claim. However, I met him one day and asked if he really intended to pay my fee. He replied: "Just as certain as I live I will pay you every cent of it." Then I inquired: "Well, can you give me any idea about *when* you intend to pay me?" He said: "I will pay you ultimately, sir." I then remarked that I was not at all sure just how long off pay day would be, and inquired: "Can you give me any idea about *how ultimately* you plan to pay me?" To which he replied: "I aim to pay you *very* ultimately." This was some twenty-five years ago, and I pause here to remark that my client is still shielding himself behind our moratorium laws, both State and Federal.

In one of the Mountain Judicial Districts we had a Solicitor who was both vigorous and able in the prosecution of crime, and he was a very fine gentleman withal. In one of his counties there was a very old lawyer who had retired from the practice, but he attended every session of the Court. This old gentleman hated the Solicitor intensely, for some unknown reason. At a certain term of the Court the Solicitor was prosecuting a man for stealing a hog. The defendant's counsel had proven certain unusual habits of this

particular hog and in his speech urged the habits of the hog as a defense; the idea being that a hog with these peculiar habits could not have been stolen. When the Solicitor came to reply to this part of counsel's argument he said: "Gentlemen, this hog did not do the things attributed to it. It would be contrary to the nature of a hog. I was brought up in the country, gentlemen, 'way back in the mountains. I *know* hogs. In fact, I *was raised up with hogs*." At this point the old lawyer above referred to, although he did not appear in the case, yelled at the top of his voice: "*Yes, and you've never got above your raising, either.*"

One of my mountain friends bought an old-time clock with wooden wheels. About half the time the clock would not run or keep time at all. One night after the clock had been stopped for about a month my friend heard the clock begin to strike, as oftentimes happened with clocks of this kind when they were not in good working order. The striking continued until there were one hundred and thirteen strokes by actual count. When the striking ceased, the man punched his wife in the side, and said: "Sallie, wake up; get up and make a fire. It's the latest I've ever knowed it to be in my life."

An insurance agent told me that he went over to the colored section of my town to collect some insurance premiums. He knocked at the front door of "Aunt" Dinah's house. Receiving no answer, he started around to the back of the house and heard Aunt Dinah calling: "Morphine; Morphine; you lazy, triffin', no 'count niggah; if you don't come on heah, I'se gwine beat the life outen you." The Agent inquired: "Aunt Dinah, why in the world did you name your daughter 'Morphine'? Aunt Dinah replied: "Well, suh, I'se done read in a book one time dat morphine is de offspring ov de wild poppy; and dat child's poppy wuz de wildes' niggah dat ever pass through dis town. So I named my gal Morphine because she was de offspring of a wild poppy."

A few weeks ago a mountaineer from eastern Kentucky came over to work at a band sawmill in one of our mountain counties. On the Fourth of July there was a celebration at the County seat. This Kentucky Mountain man imbibed too much "peartenin" and had four fights before ten o'clock. He was badly beaten up, and when he awoke in jail about midnight he sent for the Sheriff and begged to be released. The Sheriff told him he feared that if he released him he would have another fight before he could get out

of town. The Kentuckian replied: "No, sir; I will start home at once. I want to get back to Kentucky where I can fight in peace!"

And this reminds me of something I read once about Kentucky "peace". As I recall, it was entitled: "A Kentuckian's Psalm of Life," and was something like the following:

"Man born of Kentucky is of few days and full of trouble. He fiddleth, fisheth, cusseth and fighteth all the days of his life. He shunneth water like a mad dog and drinketh much mean whiskey.

He riseth up in the morning and goeth after the scalp of his grandsire's enemy and returneth at night laden with a charge of ammunition presented by his neighbor's wife's father-in-law, who avengeth the dead.

Yea, verily, his life is as uncertain as the whirlwind, and he knoweth not the hour of his taking off.

He starteth out on a journey half-shot and returneth to his own habitation on a litter with his back full of buckshot.

He ariseth from his couch in the night time to let the cat out of the house, and it consumeth three days for a Doctor to extract the lead from his body.

He setteth out on a journey in joy and gladness and cometh back in scraps and fragments. He calleth his fellow-man a liar and is at once filled with lead and scrap iron even unto the third and fourth generations.

And it came to pass in those days that a cyclone bloweth him into the arms of his neighbor's wife, and before he hath time to explain, his neighbor's wife's husband bloweth him into Abraham's bosom.

He emptieth a demojohn into his own stomach and a double-barrel shot gun into the bowels of his enemy.

His enemy's son lieth in wait for him on election day, and the next day the Coroner ploweth up forty acres of land in which to bury the remains of the fallen.

He saith to himself: 'Woe is me, that I sojourn in Kentucky. My soul hath long dwelt with him that hateth peace. I am for peace; but when I speak they are for war!' So—



Here's to old Kentucky  
Where you never have the blues;  
Where the Captains kill the Colonels  
And the Colonels kill the booze.

There blood flows like water  
And bullets fly like hail;  
There every pistol has a pocket  
And every coat a tail.

You start out in the morning  
To give your health a chance,  
But they bring you home at midnight  
With buckshot in your pants.

They always hang the jury,  
But never hang the man,  
You call a man a liar  
And then go home if you can.

There the owl's afraid to hoot  
And the bird's don't dare to sing;  
They have a "hot time" in old Kentucky  
Where they shoot 'em on the wing."

## CHAPTER XXVIII.

### NORTH CAROLINA AS A FIRST AND LAST STATE.

*And it shall come to pass in the last days, that the mountain of the Lord's house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow unto it.*

*And many people shall go and say, Come ye and let us go up to the mountain of the Lord . . . and He will teach us his ways, and we will walk in his paths.*

ISAIAH, Chapter 2: 2 and 3.

A few years ago Franklin D. Roosevelt, President of the United States, said that "North Carolina is the best balanced State in the Union."

The great President spoke the truth. North Carolina combines a glorious past with a progressive and prosperous present, and a future that is aglow with Hope and Promise.

As "All Gaul was divided into three parts", so, geographically, North Carolina is made up of the great Coastal Plains, the Piedmont Plateau, and the Carolina Mountains. At the longest place North Carolina is 503.25 miles long; the average length being 410 miles, and from North to South the average is about 115 miles, the widest place being 187.5 miles.

The State lies in the warmer part of the Temperate Zone. The climate is almost subtropical in the southeastern section, and it is only in the most unusual winters that any section of the State has cold weather comparable to the winters in the more northern climes. The annual, average, mean temperature is only fifty-nine degrees.

The State's area is 52,426 square miles, or 31,193,600 acres, 48,666 square miles of which is land and the remainder water. We have a sea front of 320 miles, and 1500 miles of inland water-ways. We have 20,568,000 acres of forest lands and more

than three hundred different kinds of minerals, most of which are found in the mountains. We have every variety of soil, which produces all the grains, grasses, vegetables, and fruits common to the Temperate Zone.

The history of what is now the United States had its beginning in North Carolina.

Jamestown, founded in 1607, and Plymouth Rock in 1620, have been immortalized in both song and story as the first English Colonies in the territory that later became the United States. But back in 1587 Sir Walter Raleigh established his Colony on Roanoke Island in what is now Dare County, in North Carolina. In 1584 he sent Philip Amidas and Arthur Barlow to America to find a suitable location for a settlement. They landed on Roanoke Island and carried back glowing accounts of a land "as goodly as the sun e'er shone upon." Raleigh then sent out a Colony of 108 men to found a settlement, but they incurred the hatred of the Indians, and about this time Sir Francis Drake, on one of his voyages, happened to land near-by and the Colonists returned to England with him. A few days later, Grenville, one of Raleigh's men, arrived, and, finding none of the settlers, left fifteen men to hold the country in the name of the Queen, and returned to England. A New Colony was collected in 1587, consisting of men with families, who came over to make America their permanent home. When they arrived at Roanoke Island they found only the skeletons of the men Grenville had left. Among the settlers were Annanias Dare and his wife, Eleanor Dare, the last named being the daughter of John White, Governor of Virginia, as the new country was called. Soon after the establishment of the Colony a daughter was born to the above-named couple, and they called her Virginia Dare—the first white child born on American soil, of English parents.

A few weeks after the birth of Virginia it was decided that Governor White should return to England for supplies. Upon his arrival in England the war was raging with Spain, and White was detained for about two years. It had been agreed, however, that, if the Colonists moved during his absence, the name of their new location was to be carved upon a post with a cross piece above it, so that he might know where to find them when he returned from England. Upon his return the Colony was a desert, and the people were all gone. But carved on the bark of a tree



was the word "Croatan", the name of an Island near by, and also the name of a tribe of Indians. The Island was searched, and several expeditions were sent out from England to search for the Colonists, but they were never found.

However, three different theories have been advanced as to the fate of these Colonists, and there is evidence worthy of consideration which tends to support each of these theories. The first theory is that the Colonists were all massacred by King Powhatan, except seven—four men, two boys, and a girl, who escaped up the Chowan River. This theory is supported by the statement of Captain John Smith of Jamestown, whose life had been saved by Powhatan's daughter, Pocahontas, who says in his "True Relations" that he was informed that there were men in the Albemarle section "clothed as he was." A map prepared by Captain Nelson in 1608 to illustrate Smith's "True Relations" speaks of "Men clothed that came from Roanoke." In a pamphlet entitled "Declaration of the Manager of Virginia, there is a reference to the Roanoke Survivors as "being within fifty miles of our fort." Later Sir Thomas Cates, Governor, was instructed by the Virginia Council in 1606 to seek out the survivors in the Roanoke River country." (See Article by R. C. Lawrence in The State Magazine, Edition of April 1, 1940, pages 1 and 13.)

The second theory is that the Colonists were captured, carried away, and absorbed by the Croatan Indians, whose descendants now reside in Roberson, Scotland, and Sampson Counties, North Carolina. There is considerable inferential or circumstantial evidence supporting this theory. There is a well defined tradition among the Croatan Indians that at least some of their ancestors were white people. Lawson, an early historian, wrote in 1714, "The Hatteras Indians, who lived on Roanoke Island, or much frequented it, tell us that several of their ancestors were white people and could talk in a book . . . the truth of which is confirmed by gray eyes being frequently found among these Indians." Another proof is that many of the names among these Indians are identical with the names of members of Raleigh's "Lost Colony."

It is also true that many English words which have long been obsolete in English speaking countries are still in common use among these Indians, another strong item of evidence that they are descendants of the "Lost Colony of Roanoke." As far back as we have any authentic history of these people, they have been

attached to the soil and have followed agricultural pursuits rather than the chase, even when game was plentiful.

In Scotland County I have tried many of them in my Courts, and I made a special trip to Pembroke in Roberson County to observe them and talk with them. Many of them own good homes, and they own their land individually. I was informed that they own most of the land in five Townships in Roberson County, in one Township in Scotland County, and in one Township in Sampson County.

Some of them are much darker than our full-breed Cherokee Indians, or the full-breeds of Western tribes that I have seen, and in the shape of their faces, and in their facial expression, they do not resemble our Indians at all, except in their straight black hair. Their habits and ways of life are those of the white race, and they had completely lost their language at a time beyond the recollection of the oldest people who were familiar with them. In fact there are no words of any Indian dialect in use among them, and have not been as far back as our knowledge goes, and none of them bear Indian names.

The third theory in some particulars corroborates, and in others contradicts the first two theories. In the spring of 1938 a quartz stone fifteen inches long, nine inches wide, and two and one-half inches thick was found by a tourist in a swamp on the east bank of Chowan River near Edenton. The stone weighed twenty-one pounds. On one side of the stone is carved a cross, and the following inscription: "Any Englishman show John White, Governor Virginia." On the other side in the spelling and language in use in the sixteenth century are the following words: "Father soon after you go to England we come hither, only misery and war two years. Above half dead ere two years more from sickness, being four and twenty. Savage with message of ship unto us. Small space of time they afraid of revenge all run away. We believe yet not you. Soon after the savages feign spirits angry. Sudden murder all save seven. Mine child, Ananias too slain with much misery. Buried all near four miles east this river upon small hill. Names write there on rock. Put this there also. Savage show this unto you and hither we promise you to give great plenty presents." Underneath the foregoing were carved the initials, "E. W. D.", which could be the initials of Eleanor White Dare.

This stone was given into the custody of Brenau College, Gainesville, Georgia. The college offered a reward of \$500.00 to any person who would find the other stone referred to in the carving on the stone afore-mentioned. Dr. H. J. Peace, Vice-President of the College, was empowered to conduct a search for the missing stone. This search resulted in the finding of forty-five additional stones scattered through North Carolina, South Carolina and Georgia, and reaching from the banks of the Chowan River in North Carolina to a cave on the Chattahoochee River ten miles from Atlanta. The carvings on the stones for the most part are addressed to John White, father of Eleanor Dare, and if genuine, tell a fairly complete story of the travels, trials, and travails of at least a part of the survivors of the "Lost Colony."

Brenau College invited fifty historians and scholars, with Dr. S. E. Morrison, head of the History Department of Harvard University heading the list, to examine the stones; and after studying them for two days they met in Atlanta on October 20, 1940, and rendered their verdict that "the preponderance of the evidence points to the authenticity of the Dare Stones. . . . We have solved the mystery of the "Lost Colony." The carvings are in Elizabethan language, with spelling of the same period. They indicate that the seven survivors escaped from their original captors and were adopted into a Georgia tribe of friendly Cherokees, and that Eleanor Dare married a Cherokee Chief whom one of the carvings refers to as "Salvage King." They lived in the cave referred to, near Atlanta, where a daughter was born who was named Agnes Dare, and the inscription on a grave stone indicates that Eleanor Dare died "after moche sudden sickness in 1599."

Even if these stones are found to be genuine, they may not tell the whole story, for the evidence remains that some of the ancestors of our Croatan Indians were men and women of the "Lost Colony."

The Boston Massacre occurred on the 5th day of March, 1770; and in 1816 John Adams wrote of it: "Not the Battle of Lexington or Bunker Hill, not the surrender of Burgoyne or Cornwallis, were more important events in American History than the Battle of King Street on the 5th of March, 1770." Ten Americans were victims of this massacre, but only three were killed and seven wounded.



The Boston Tea Party was conducted on the 16th day of December, 1773, when a number of citizens, in Indian disguise, proceeded to three ships carrying cargoes of tea and threw about three hundred and fifty chests of tea into the harbor. The Battle of Lexington was fought on the 19th day of April, 1775, in which seventy-three British were killed, 174 wounded, and 26 missing; the American losses were 49 killed, 39 wounded, and five missing.

History blazons these events, New England boasts of them, and the fame of them has been heralded through the nations of the earth. And that is well. But events of more far-reaching importance occurred in North Carolina long before that, but which are never mentioned in histories written by Northern authors.

The Stamp Act was passed by the British Parliament in 1765. The Act contained fifty-five provisions, and covered a multitude of articles. For example, it provided a tax on every transaction requiring the use of paper: written contracts, deeds, bills of sale, bonds, notes, bills of exchange, or other papers used in business; and each separate paper in a lawsuit, from the original process to the final execution, had to pay a stamp tax. On a college diploma the tax was \$10.00 and about the same for deeds and marriage license. The collection of these taxes was to be enforced in the Courts of Admiralty, where there could be no jury trial, and were in addition to the taxes which the people had to pay for the support of the Colonial Government. Meetings in opposition to the tax were held everywhere.

On the 28th day of November, 1765, the *Diligence*, an English sloop of war, with twenty guns, commanded by a man named Phipps, arrived in the Cape Fear River loaded with stamps for delivery in North Carolina.

On this 28th day of November, 1765, a company of men under Captain John Ashe, went to Governor Tryon's house in New Bern and demanded the surrender of William Houston, who had been appointed Tax Master (collector) for North Carolina. Tryon at first refused, but when Ashe and his men threatened to burn down the house unless Houston was surrendered, the latter went with them to the Courthouse and resigned his office, and took an oath that he would have no part in the collection of Stamp taxes in North Carolina. On December 10, 1765, the *Diligence* moved across the ruffled bosom of the beautiful bay into which the river expands opposite Fort Johnson, her guns saluted and the ship

moved on toward the town of Brunswick eight miles farther up the river toward Wilmington. Upon arriving there the ship rested opposite the Custom House of Brunswick, with her port holes open and all her guns exposed. And now a body of armed men occupied the street that lined the shore. The Captain of the ship was informed that Colonel Hugh Waddell had been on the lookout for the *Diligence* with the militia of Brunswick County, and that Colonel Ashe was there with the militia of New Hanover County, and informed him that they would fire on any one who attempted to unload the stamps. The Captain readily promised compliance with these demands. The militia then seized one of the ship's boats, loaded it on a cart, and carried it to Wilmington, and that night paraded it up and down the streets in a torch-light procession. No stamps were ever unloaded in North Carolina. Indignation meetings had been held throughout the Colonies protesting against the Stamp Act, but this was the first *armed* resistance to the Stamp Act in America, and this armed resistance was in broad daylight by undisguised and well known men. It occurred nearly ten years before the Philadelphia Declaration of Independence; more than nine years before the Battle of Lexington; eight years before the Boston Tea Party; and five years before the Boston Massacre. And yet you will search in vain to find this event mentioned in any history written by a Northern author.

The antagonism which existed between the royal officers of the Colony and the people came to a bloody climax in North Carolina in 1771. On one side was the ruling class bent on plundering the people, collecting unjust taxes, and charging unlawful and exorbitant fees which the people were unable to pay. The Regulators came into existence in 1767, with Herbert Husbands at their head, constituting the first organized resistance to British tyranny since Bacon's Rebellion in Virginia in 1676, which also resulted from excessive and unfairly distributed taxation under Royal Governor William Berkeley. After seeking in vain for the redress of their grievances, on the 16th day of May, 1771, the Battle of Alamance was fought, resulting in the killing of nine Royalist troops and the wounding of sixty more; at the same time twenty Regulators were killed and an unknown number wounded. Tryon's army was well armed, while many of the Regulators were not armed at all. The next day Captain Few, one of the leaders of the Regulators, was hanged without a trial, and others were tried for treason, convicted,

and put to death. Some twenty of the families of the Regulators fled across the mountains and joined the Watauga Settlement in what was then Western North Carolina. The same spirit that moved the men of Lexington to fight moved the Regulators in the Battle of Alamance, and this was four years before the Battle of Lexington was fought. But you do not see this ever mentioned on the pages of histories written by Northern authors. Woodrow Wilson, perhaps the most scholarly President our Nation has had, at page 164 of Volume II of his five volume History of the United States, has this to say of the Battle of Alamance: "In North Carolian there was next year a blaze of open rebellion against the extravagant exactions of William Tryon, the adventurer who was Royal Governor there, and only blood extinguished it." That is all. And yet Mr. Wilson, himself a Southerner, devotes six pages of text and illustrations to the Boston Massacre, where only three men were killed!

At Lexington, the Royalist officer Pitcairn shouted: "Disperse, ye rebels!" The patriots of Lexington replied with powder and lead, and Northern historians write that the militia-men of Lexington were heroes; and heroes they were.

The English, at the Battle of Waterloo, shouted: "Surrender, brave men, surrender!" But the brave Cambronne replied: "The Old Guard dies, but never surrenders!" And while their muskets blazed on every hand, darkness settled upon them and the France they loved. History records their courage sublime; and sublime it was.

At Alamance the Royal Governor Tryon yelled to the Regulators: "Disperse, or I'll fire!" "Fire, and be damned!" the patriots shouted back their defiant reply, as their guns began to roar; and I have just now examined three school histories of the United States written by Northern authors, and the word "Alamance" cannot be found between their covers.

Was not the spirit of all these brave men the same? Were the men of Alamance any less patriotic, or any less brave than the men of Lexington, or the Old Guard of France? Let it not be said that the Battle of Alamance was not a battle of the Revolution because it occurred in 1771. The Revolution was already on and had been on ever since Patrick Henry in the Virginia House of Burgesses at Williamsburg in 1765, in support of the resolutions which he had



written on the blank leaf of an old law book, in the midst of cries of "Treason", shouted: "Caesar had his Brutus, Charles I his Cromwell—and George III may profit by their example!"

And what of the Watauga Settlement? In consequence of the neglect of the North Carolina Colony to provide a suitable Government, or of any government rather, for her people west of the Blue Ridge, in 1772, the people of the Watauga Settlement formed the "Watauga Association." They adopted a constitution, elected a Legislature, enacted their own laws, formed their own government, and through duly elected or appointed officers these laws were enforced. This was the first free and independent government organized in all of North America; and this was four years before the Philadelphia Declaration of Independence.

Of this government the Historian Bancroft says at page 467 of Volume III of his History of the United States: "In North Carolina the law establishing Courts of Justice had expired; in the conflict of claims of power between the Governor and the Legislature every new law on the subject was negatived, and there were no Courts of any kind in the Province. *The most orderly and best governed part of North Carolina was the self-organized republic of Watauga*, beyond the mountains, where the settlements were extending along the Holston as well as South of the Nollichucky." So free government in America had its beginning on North Carolinian's soil in 1772.

North Carolina boasts of a "Tea Party", too. It was held three years after the Boston Massacre; and one years after the Boston Tea Party.

The First Provincial Congress was called on August 25, 1774, to meet at New Bern; and it decided that after September 1, 1774, all use of India tea should be abolished. Thereafter, on October 25, 1774, fifty-one ladies gathered at the home of Mrs. Elizabeth King at Edenton and endorsed the above-mentioned resolutions of the First Provincial Congress, and resolved further: "We the ladies of Edenton do hereby solemnly engage not to conform to the pernicious practice of drinking tea, . . . ye wear of any manufacture of England, until such time that all acts which tend to enslave this our native country shall be repealed." These brave women met and passed their resolution in the open, and did not disguise themselves

as Indians, as did the members of the Boston Tea Party. And for a season these good women drank tea made of raspberry leaves! (See North Carolina Guide, 189.)

There is another very important particular in which North Carolina is rightfully entitled to be classed as a "First State." Her people were the first Americans to declare their independence of Great Britain. In May, 1775, Thomas Polk, the commander of the militia of Mecklenburg County, appointed delegates from each Company to attend a meeting in Charlotte to take steps toward declaring Independence. But the militia companies were sworn to allegiance to Great Britain. "How", it was objected, "can we be absolved from our oath?" The answer to this question is carved on a magnificent monument some thirty feet high which the people of Mecklenburg erected in front of their Courthouse on May 20, 1898: "When protection is withdrawn, allegiance ceases."

While that meeting was in session a horseman galloped into the crowd and brought the news of the Battle of Lexington. Men who had been opposed to any aggressive action now demanded action. Colonel Kennon, a brilliant lawyer from Salisbury, the Reverend Hezekiah Balch, and Dr. Ephraim Brevard were appointed to prepare resolutions to be submitted to the Convention. It is said that Dr. Brevard actually wrote the declaration. It was submitted to the convention after midnight. At two o'clock, A. M., it was unanimously adopted, all delegates voting. At noon on May 20, 1775, it was read and proclaimed from the Courthouse steps by Colonel Thomas Polk in the presence of several thousand people. Captain James Jack was sent to Philadelphia, with a copy of the declaration to be delivered to the Continental Congress and to the North Carolina representatives there. Arriving in Philadelphia on June 23 he found Congress preparing to declare loyalty to the King of England. On May 31 this same Convention adopted the Mecklenburg Resolves, providing a system of Government for the County until Congress could provide a system.

For many years a controversy existed as to whether there really had been a Mecklenburg Declaration of Independence. But in 1819 the Raleigh Register printed a copy of the original text. This was reprinted in Charleston and in London, and in papers at other places, but in each instance the printed copy had been lost or destroyed. The house of John McKnitt Alexander, the secretary of the convention, was destroyed by fire, and his notes and copy

were burned. It was likewise printed in a Massachusetts paper where John Adams saw it, and he wrote the following letter about it on June 22, 1819, to Thomas Jefferson: "May I enclose you one of the greatest curiosities, and one of the deepest mysteries that ever occurred to me; it is in the Essex Register of June 5, 1819. It is entitled from the Raleigh Register, 'Declaration of Independence.' How is it possible that this paper should have been concealed from me to this day? Had it been communicated to me in the time of it, I know, if you do not know, that it would have been printed in every Whig newspaper upon the Continent. You know that if I had possessed it I would have made the Hall of Congress echo and re-echo with it fifteen months before your Declaration of Independence. What a poor, ignorant, malicious, short-sighted, scrupulous mass is Tom Paine's Common Sense in comparison with this paper! Had I known it I would have commented upon it from the day you entered Congress till the fourth of July, 1776. The genuine sense of America at that moment was never so well expressed before nor since. Richard Caswell, William Hooper, and Joseph Hughes, the then representatives of North Carolina in Congress, you know as well as I; and you know the unanimity of the State finally depended on Joseph Hughes, and was finally determined by him; and yet history is to ascribe the American Resolution to Thomas Paine. *Sat verbum sapienti.*

I am, dear sir, your invariable friend,

John Adams."

The people of Mecklenburg went to work to collect the evidence while many signers of the Declaration were still living. Two papers were found among the effects of Dr. Brevard, which contained the full substance of the Declaration, which was in the following language:

"RESOLVED, that whosoever directly or indirectly abetted or in any way, form or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country, to America, and to the inherent and inalienable rights of man.

RESOLVED, that we, the citizens of Mecklenburg County, do hereby dissolve the political bonds which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British Crown and abjure all political connection, contract, or association with that Nation, who have wantonly trampled on our



rights and liberties, and inhumanly shed the blood of American patriots at Lexington.

RESOLVED, that we do hereby declare ourselves a free and independent people, are, and of right ought to be, a sovereign and self-governing association, under the control of no power other than that of our own God and the general government of the Congress; to the maintenance of which independence we solemnly pledge to each other our mutual cooperation, our lives, our fortunes, and our most sacred honor.

RESOLVED, that as we now acknowledge the existence and control of no law or legal officer, civil or military, within this County, we do hereby ordain and adopt, as a rule of life, all and every of our former laws—wherein, nevertheless, the Crown of Great Britain never can be considered as holding rights, privileges, immunities or authorities therein.

RESOLVED, that it is therefore decreed that all, each and every military officer in this County, is hereby reinstated, in his former command and authority, he acting conformably to these regulations. And that every member present, of this delegation, shall henceforth be a civil officer, viz: a Justice of the Peace in the character of a 'committee-man', to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, union, and harmony in said County; and to use every exertion to spread the love of country and fires of freedom throughout America, until a more general and organized government be established in this province."

Here follow the signatures of Abraham Alexander, Chairman, John McKnitt, Secretary, Ephraim Brevard, author of the Declaration, and twenty others, twenty-seven being the full number of delegates appointed. As every one knows, the date, May 20, 1775, is inscribed on the State flag and the Great Seal of State, and the day is declared and observed a holiday by statute. (See Bancroft, Volume IV, pages 196 to 198. See Ashe's History of North Carolina, Volume I, pages 437 to 471, for complete History and copy of the Declaration, and other authorities there cited.)

Following the Mecklenburg Declaration, Declarations of Independence became common in North Carolina. On June 20, 1775, the men of Cumberland County met in Convention at Fayetteville and unanimously adopted the following declaration:

"The actual commencement of hostilities against the Continent by British troops, in the bloody scene on the 19th of April last, near Boston, the increase of arbitrary impositions from a wicked and despotic Ministry, and the dread of instigated insurrections in the Colonies, are causes sufficient to drive an oppressed people to the use of arms. We, therefore, the subscribers, of Cumberland County, holding ourselves bound by the most sacred of all obligations—the duty of good citizens toward an injured country—and thoroughly convinced that under our distressed circumstances we shall be justified in resisting force by force, do unite ourselves under every tie of religion and honor, and associate as a band in her defense against every foe, hereby solemnly engaging, that whenever our Continental or Provincial Councils shall decree it necessary, we will go forth and be ready to sacrifice our lives and fortunes to secure our freedom and safety. This obligation to continue in full force until a reconciliation shall take place between Great Britain and America, upon constitutional principles, an event we most ardently desire; and, we will hold all those inimical to the liberty of the Colonies who shall refuse to subscribe to this Association; and we will in all things follow the advice of our General Committee respecting the purposes aforesaid, the preservation of peace and good order and the safety of individual and private property."

Here follow the signatures of Robert Rowan and thirty-eight others, being all of the delegates. (See Wheeler's History of North Carolina, page 125.)

Next, the men of old Tryon County declared their independence in the following Declaration:

"The unprecedented, barbarous, and bloody actions committed by the British Troops on our American Brethren near Boston on the 19th of April and 20th of May last, together with the hostile operations and traitorous designs now carrying on by the tools of ministerial vengeance and despotism for the subjugating of all British America, suggests to us the painful necessity of having recourse to arms for the preservation of those rights and liberties which the principles of our Constitution and the laws of God, Nature, and Nations have made it our duty to defend.

We, therefore, the subscribers, freeholders and inhabitants of Tryon County, do hereby faithfully unite ourselves under the most sacred ties of Religion, Honor, and love to our country, firmly to resist force by force in defense of our natural freedom and con-

stitutional rights against all invasions, and at the same time do solemnly engage to take up arms and risk our lives and fortunes in maintaining the freedom of our country, whenever the wisdom and Council of the Continental Congress or our Provincial Convention shall declare it necessary, and this engagement we will continue in and hold sacred till a reconciliation shall take place between Great Britain and America on constitutional principles which we most ardently desire. And we do firmly agree to hold all such persons inimical to the liberties of America, who shall refuse to subscribe to this association." Here follow the signatures of John Walker, and forty-eight others, including the signature of my great-great-grandfather, Colonel Andrew Hampton. (See Griffin's History of Old Tryon and Rutherford Counties at pages 17 and 18; Puett's History of Gaston County, at pages 104 and 105.)

Following the adoption of these three County Declarations of Independence, the Fourth Provincial Congress met at Halifax April 4, 1776. On April 8th a committee was appointed composed of Cornelius Harnett, Allen Jones, Thomas Burke, Abner Nash, John Kichen, Thomas Person, and Thomas Jones. After deliberating for four days, on April 12, they reported the following Declaration of Independence, which was unanimously adopted by the Convention, all of the Counties being represented:

"It appears to your Committee, that pursuant to the plan concerted by the British Ministry for subjugating America, the King and Parliament of Great Britain have usurped a power over the persons and properties of the people unlimited and uncontrolled; and disregarding their humble petitions for peace, liberty, and safety, have made divers legislative acts, denouncing war, famine, and every species of calamity, against the continent in general. The British fleets and Armies have been, and still are daily employed in destroying the people, and committing the most harried devastations on the country. The Governors in different Colonies have declared protection to slaves who should embrue their hands in the blood of their masters. That ships belonging to America have been violently seized and confiscated. In consequence of all which, multitudes of people have been destroyed, or from easy circumstances reduced to most lamentable distress.

And Whereas, the moderation hitherto manifested by the United Colonies and their sincere desire to be reconciled to the mother country on constitutional principles, have procured no mitigation



of the aforesaid wrongs and usurpations, and no hopes remain of obtaining redress by those means alone which have been hitherto tried, Your Committee are of the opinion that the House should enter the following resolve, to-wit:

RESOLVED, that the delegates for this Colony in the Continental Congress be empowered to concur with the delegates of the other Colonies in declaring Independency, and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a constitution and laws for this Colony, and of appointing delegates from time to time (under the direction of a general representation thereof), to meet the delegates of the other Colonies for such purpose as shall be hereafter pointed out." A copy of this resolution was at once sent to Joseph Hughes in Philadelphia. The delegations from other Colonies received it with enthusiasm and at once placed it before their own people, and urged them to follow the example set by North Carolina. Virginia was the first to adopt this course, and on May 27, 1776, that Colony and North Carolina presented their instructions to the Congress. June 7th Richard Henry Lee moved "that these United Colonies are and of right ought to be free and independent States." On July 2 the motion was adopted and on July 4 the Philadelphia Declaration was approved by the Congress.

After writing the foregoing, my good friends, Ben McCubbins, Clerk of the Superior Court, and William D. Kizziah, Register of Deeds of Rowan County, called my attention to the fact that long before any of the above Declarations of Independence were adopted, the people of Rowan County declared their independence in a set of resolutions that fairly breathe defiance toward the British Government, and in unmistakable language let the world know that they would submit to no further oppression. The Declaration or "Resolves" of Rowan County will be found in Rumple's History of Rowan County at pages 175 and following, and in Wheeler's History of North Carolina, at pages 360 and following. The Declaration is in the following words:

"At a meeting of the committee, August 8th, 1774, the following resolves were unanimously agreed to:

RESOLVED, That we will at all times, whenever we are called upon for that purpose, maintain and defend, at the expense of our lives and fortunes, his Majesty's right and title to the Crown of

Great Britain and his dominions in America, to whose royal person and government we profess all due obedience and fidelity.

RESOLVED, That the right to impose taxes or duties, to be paid by the inhabitants within this province, for any purpose whatsoever, is peculiar and essential to the General Assembly, in whom the legislative authority of the colony is vested.

RESOLVED, That every attempt to impose such taxes or duties by any other authority, is an arbitrary exertion of power, and an infringement of the constitutional rights and liberties of the colony.

RESOLVED, That to impose a tax or duty by the British Parliament, in which the North American Colonies can have no representation, to be paid upon importation by the inhabitants of the said colonies, is an act of power without right. It is subversive to the liberties of the said colonies, deprives them of their property without their own consent, and thereby reduces them to a state of slavery.

RESOLVED, That the late cruel and sanguinary acts of Parliament, to be executed by military force and ships of war upon our sister colony of the Massachusetts Bay and town of Boston, is a strong evidence of the corrupt influence obtained by the British Ministry in Parliament, and a convincing proof of their fixed intention to deprive the colonies of their constitutional rights and liberties.

RESOLVED, That the cause of the town of Boston is the common cause of the American Colonies.

RESOLVED, That it is the duty and interest of all the American Colonies firmly to unite in an indissoluble union and association to oppose by every just and proper means the infringement of their common rights and privileges.

RESOLVED, That a general association between all the American Colonies not to import from Great Britain any commodity whatsoever (except such things as shall be hereafter excepted by the General Congress of this Province), ought to be entered into, and not dissolved till the just right of the colonies are restored to them, and the cruel acts of the British Parliament against the Massachusetts Bay and town of Boston are repealed.

RESOLVED, That no friend to the rights and liberties of America ought to purchase any commodity whatsoever, except such as shall be excepted, which shall be imported from Great Britain after the General Association shall be agreed upon.

RESOLVED, That every kind of luxury, dissipation, and extravagance ought to be banished from among us.

RESOLVED, That manufactures ought to be encouraged by opening subscriptions for that purpose, or by any other proper means.

RESOLVED, That the African trade is injurious to this colony, obstructs the population of it by freemen, prevents manufacturers and other useful emigrants from Europe from settling among us, and occasions an annual increase of the balance of trade against the colonies.

RESOLVED, That the raising of sheep, hemp, and flax ought to be encouraged.

RESOLVED, That to be clothed in manufactures fabricated in the colonies ought to be considered as a badge of distinction, of respect, and true patriotism.

RESOLVED, That Messrs. Samuel Young and Moses Winslow, for the County of Rowan, and for the town of Salisbury, William Kennon, Esq., be, and they are hereby nominated and appointed Deputies upon the part of the inhabitants and freeholders of this county and town of Salisbury, to meet such Deputies as shall be appointed by the other Counties and corporations within this colony, at Johnston's Court House, the 20th of this instant.

RESOLVED, That, at this important and alarming crisis, it be earnestly recommended to the said Deputies at their general Convention of this province, to meet such Deputies in a General Congress, as shall be appointed upon the part of the other Continental Colonies in America, to consult and agree upon a firm and indissoluble union and association for preserving, by the best and most proper means, their common rights and liberties.

RESOLVED, That this colony ought not to trade with any colony which shall refuse to join in any union and association that shall be agreed upon by the greater part of the other colonies on this continent, for preserving their common rights and liberties."

I acknowledge my indebtedness to Mr. McCubbins and Mr. Kiziah for calling my attention to this important document.



To my mind, among all the fine people who have inhabited Rowan County, this County has never had two higher standing citizens than these two popular and useful gentlemen. They typify all that is best in the fine citizenship of Rowan County, and I could not pay a higher compliment to the County than to say that it honors itself by continuing to honor these splendid gentlemen.

So, twenty-three months before the Philadelphia Declaration Rowan County took its stand. Thirteen months before the Philadelphia Declaration the men of Mecklenburg spoke; the Fayetteville Declaration was more than eleven months before; the Tryon Declaration nearly eleven months, and the Halifax Declaration was nearly three months before the Philadelphia Declaration. No wonder that the great historian, George Bancroft, in his *History of the United States*, exclaims: "The first voice for dissolving all connection with Great Britain came, not from the Puritans of New England, the Dutch of New York, or the planters of Virginia, but from the Scotch Presbyterians of North Carolina."

And it is also a fact that nine North Carolinians signed the Texas Declaration of Independence! (See Marquis James' *Life of Sam Houston*, "The Raven", at page 226.)

The people of North Carolina have always been progressive when the exigencies called for action, but they have also been conservative when the occasion required caution. When the Revolution had been fought and won, and the Constitution was submitted to the States for ratification, North Carolina in its convention at Hillsboro refused to ratify by a majority of one hundred delegates. Her reason for such refusal was that the Constitution contained no Bill of Rights, and our convention proposed some twenty-six amendments.

Patrick Henry in the Virginia Convention, with all the power of his matchless eloquence, opposed ratification unless it should be amended. He prepared the first ten Amendments, and it was not until after North Carolina found that these Amendments embraced the substance of the Amendments which she proposed, and an agreement was reached that these Amendments should be included in the Constitution, that she agreed to ratify it at all. She did ratify it, however, at a Convention later held at Fayetteville, on November 21, 1789, being the last State except Rhode Island, to ratify. By reason of this delay the people of North Carolina were not permitted to vote for George Washington when he was first elected, and

from the time New Hampshire voted for ratification on June 21, 1788, it being the ninth State to ratify, and nine being the number of States required for adoption, North Carolina was treated as a foreign sovereign power and was represented at the seat of Government by an "Ambassador", Hugh Williamson, until she ratified the Constitution in 1789.

It is agreed by all that the first ten Amendments constitute the heart and soul of the Constitution. They are its Magna Charta, its Bill of Rights, the safeguard of the liberty of the citizen. They are in the Constitution today as the result of North Carolina's conservatism and Patrick Henry's eloquence.

When the "irrepressible conflict which shook this country and the world" cast its dark shadow over the land, North Carolina voted against secession; and as she was next to the last State to ratify the Constitution, so she was next to the last to secede from the Union which she had help to form with her blood and her brain. When it became inevitable that force was to be resorted to, North Carolina seceded May 20, 1861, and Tennessee, her daughter, followed her as the last State on June 8, 1861. But when she took the all-important step she laid aside her conservatism and became exceedingly progressive. She sent more soldiers to the front, in proportion to population, than any other Southern State, and she brought fewer back. In the death of Wyatt, according to Chief Justice Clark, himself as brave a soldier as ever lived, she gave the first martyr to the Lost Cause. Lee surrendered to Grant at Appomattox on April 9, 1865. News traveled slowly in those days, and the last guns fired in the War between the States were fired by North Carolina soldiers at Waynesville, in Haywood County, May 9, 1865. (See *Annals of Haywood County*, by W. C. Allen, pages 90 and 91.) She was first at Bethel; she charged farthest up the heights of Gettysburg; she was the last to surrender arms at Appomattox.

Worth Bagley, a brave young man from North Carolina, was the first to fall beneath the Stars and Stripes in our War with Spain; and I have read that a North Carolina boy was the first American to make the supreme sacrifice in the World War, even before our country formally entered that terrible conflict.

After the War between the States was over, North Carolina was among the last States to get back into the Union, and did not get back at all until she was legislated back by a Legislature that was

dominated and led by dishonest "Carpet-baggers" from the North.

But it is not only her political and her military history that entitle North Carolina to be classified as a "First" State. Her peaceful victories are no less renowned than those she achieved in War. Her agricultural products rank third in value in the United States. In the textile industry she has more spindles than any other State in the Union, and her textile factories are in sight of her fields of snow-white cotton.

In the number and value of their output, her industries lead all the States of the South and West. We produce a greater tobacco crop and have a greater tobacco industry than any other State. We pay more taxes to the Federal Treasury than any of the other States, except New York and Illinois. We have more mileage of paved highways than any other State in the South, and our Highways are said to be the best of all the States except those of Maryland and part of California. We have a greater variety of minerals than any other State. We lead the Nation in the production of mica. We have the largest yarn mills in the world. More furniture is manufactured at Hickory, High Point, and Thomasville than at any other place in the Nation. At Kannapolis we have the largest Towel mill in the world. At Canton, in Haywood County, we have the largest pulp and paper mill on earth. The first successful airplane flight ever made was on December 17, 1903, at Kitty Hawk on Kill Devil Hill by Wilbur and Orville Wright. Our educational system furnishes an example which all the Southern States are endeavoring to follow. But why go on? After all, the State's greatest asset is its splendid citizenship. Certain it is that no State in the Union can boast a citizenship that is superior to ours. So—

"Here's to the land of the long leaf pine,  
The summer land where the sun doth shine;  
Where the weak grow strong  
And the strong grow great,  
Here's to 'down home',  
The Old North State."

I love every inch of North Carolina's soil; but who will blame me for loving my mountain region best? I love it best because it is my native land. To every man with a real heart beating in his breast, home is the dearest place on earth. And it is characteristic of every



mountaineer to love his home. He loves his land. He lives close to Nature. He loves the open, wide spaces; and he refuses to be crowded. A considerable portion of my time is necessarily spent in the Piedmont Section out of sight of the mountains. When, after an absence of two or three weeks, I start home, and reach the point where I can catch the first glimpse of the Blue Ridge—Sa-ka-na-ga, "The Great Blue Hills of God", as the Indians called it—I invariably recall the words attributed to William Tell, who, when he returned from captivity to his native land of Switzerland exclaimed:

"Ye crags and peaks, I'm with you once again!  
I hold to you the hands you first beheld to show they  
still are free.  
Methinks I hear a spirit in your echoes answer me  
And bid your tenant welcome home again.  
Oh, sacred forms, how fair, how proud you look!  
How high you lift your heads into the sky!  
How huge you are, how mighty, and how free!"

I confess that I cannot understand the man, who, when standing on the seashore, is unable to feel the mystery of the rolling waves; who can look blankly at you when you call his attention to the murmuring lullaby of the restless sea; who does not appreciate the glory of the sunrise; who is not thrilled when the breakers throw their foam toward the sky, or when the moon glistens on the turbulent tides. But I can understand him less if he does not have a feeling of awe and wonder when he beholds the imposing grandeur of our lofty mountains; or if he cannot hear the whispered music of the sighing winds, mingling with the rippling melody of the rushing streams; or if he cannot see Celestial Cities in the molten splendor of the empurpled sunset skies.

I do not believe in sectional prejudice, but I do believe in local patriotism; and I believe that the inhabitants of every section of our State should love their own section best. God divided North Carolina into its three great sections when He made the world. And it requires all of them—the East, with its rolling plains, its extensive fisheries, its diversified crops, and agricultural wealth; and the great Piedmont, with its thriving cities, its humming factories, its whirling spindles, and banging looms; and the Land of the Sky, with its towering mountains, its majestic forests, its fertile valleys, its wild-

erness of flowers, its cooling breezes, and its crystal waters—it requires all of them to make the Old North State the fairy queen in all the loyal sisterhood of States.

But let me live among my native mountains, down where the limpid springs bubble and laugh at the foot of the hill, where I can see the multitude of crags and pinnacles of our great mountain land; and where, in the hush of the bed-time hours, I can listen to the whispers of the evening zephyrs; where I can hear the hum of the insects, the songs of the birds, the murmur of the rivulets, the brawl of the brooks, the laughter of the cascades, the turmoil of the torrents, the crash of the cataracts, the roar of the tempests, the blast of the thunderbolts, and the prolonged echoes of their terrible explosions.

“Let me live in a house by the side of the road  
Where the race of men go by,  
The men who are good and the men who are bad,  
As good and bad as I.  
I would not sit in the scorner’s seat  
Or hurl the cynic’s ban;  
Let me live in a house by the side of the road,  
And be a friend to man.”

Mr. J. W. Clay, citizen and poet of Winston-Salem, expresses my sentiments fully in the following lines:

“A little log cabin in the mountains,  
A spring, and a creek running by,  
The deep, solemn silence of the wild-wood,  
Broken by the screech owl’s cry.

A meadow that harbors a hay-stack,  
A field where the golden-rod blooms,  
A hill where hides the arbutus,  
Where tall the great oak tree looms.

A garden of old fashioned flowers,  
The hollyhock, marigold, and rose;  
A plot with vegetables growing,  
With onions and cabbage in rows.

The whinny of the horse in the pasture,  
A cow in the shed, and a calf,  
A pig in the pen making noise,  
That is neither a cry nor a laugh.

A cock with a dictator strut,  
Some pullets and hens running 'round,  
A fretting old 'cluck' with her brood,  
Scratching for worms in the ground.

A blazing wood fire in the winter,  
When snow is covering the ground,  
A cat on the hearth-stone purring,  
And a lazy but faithful old hound.

I have traveled the far-away places,  
I have crossed over mountain and sea,  
I have seen the great cities in splendor,  
But their splendor holds nothing for me.

For I love my log cabin in the mountains,  
It is humble, but still it's my home,  
And never again shall I leave it,  
Across the wide earth to roam.

Of course I live in the city,  
Like you, and other poor devils I know,  
But my heart and my soul are in the mountains,  
Where memories, like warm embers glow."

The Historian records the past and the prophet foretells the future. Our past is secure. What does the future hold for our wonderful, magnificent, mountain land? Already we hear the tramp, tramp of countless thousands who have left forever their crowded homes in our great cities, where avarice and graft and greed run side by side in pursuit of the alluring God of Gold, to build their homes among our templed hills where nature beckons them to landscapes of ineffable beauty; where the cool waters sparkle, and the wild flowers bloom in fragrant profusion, and where the sunshine blends with the shadows all the day long.



And who knows but that some great evangelist—some George Truett—mountain-bred and mountain-born and mountain-reared, will rise up here in our everlasting hills and inaugurate a religious revival that will revolutionize the world? Who knows but that in the years to come "the mountain of the Lord's house shall be established in the top of the mountains" of Western North Carolina; and that they "shall be exalted above the hills, and all nations shall flow unto it?" God grant that it may be so!

This chapter closes what I have to say about the Carolina Mountains and the people who dwell therein. Having been able to write only at night and during odd hours when not engaged in Court duties, I can well realize how imperfectly my task has been performed. I know that I have been unable to do my subject justice. I have tried to write some things about our people that have not before been published, and I have endeavored to refute some of the false and ridiculous aspersions that have been cast upon us by outside writers. That I have tried to tell the truth will not be gainsaid by those who know the facts. I can only hope, in the language of our great Governor Aycock, when speaking of the unwritten history of North Carolina, that "from some lowly home and of humble parentage will come some divinely gifted man or woman to take up the historian's pen or the artist's brush or the sculptor's chisel, and reveal the history" of our great mountain region and its people, as it deserves to be revealed. I wish that it were possible for me to tell of the services of our splendid lawyers, our able physicians, our eloquent preachers, our faithful teachers, and our progressive citizens in all our Counties, but I must leave this to some one who is better fitted for the task. As Whittier would say:

"Others will sing the song,  
Others will right the wrong,  
Finish what I begin,  
And all I fail of, win.

"What matter I or they?  
Mine or another's day?  
So the right word be said  
And life the sweeter made."

I have read the story of a young minister, who, when he had graduated from Oxford, was assigned to a very old church in a rural section of England. From the outside this old church presented a beautiful picture. It was a fine, solid old building that had been built back in the Middle Ages; with an ancient belfry, and climbing ivy, cawing rooks, and a niche for holy water, and a venerable graveyard, and all the other antiquities that would please the eyes of a scholar with an artist's soul fresh from Oxford. But the inside of the church was a bitter disappointment, and to the young minister a great sorrow. There was evidence, however, that the church had originally been finished in a costly manner. There were pillars both large and small; there was groining in the roof, and tombs, and monuments, and some faint remains of ancient carvings. But the whole inside of the church was covered with what appeared to be the dust of the centuries, hardened into a dark and ugly crust. The question was how to restore the inside of the church so that its beauty might be in keeping with the outside, which was perfect. Finally, some of the church officials reached the conclusion, upon investigation, that the unsightly appearance of the inside of the church was caused by *whitewash*! The young minister could not at first believe it. But the suggestion led him to reflection, and reflection to inspection, and inspection to experiment and experiment to discovery. He found that for centuries the inside of the old church had from time to time been whitewashed. The ugly crust with which the inside had been covered was but the whitewash of ages. He concluded that the proper way to restore the interior of the church to its original beauty was to remove with painstaking care the accumulated whitewash from every part of the surface. It was a labor of years. With his own hands the young minister worked, and with his own small earnings he kept the work going. At last on a beautiful Easter morning he saw his work finished, and the church was as fresh and clean and beautiful as when it was dedicated six hundred years before. The inside of the church was found to have been constructed of marble with massive pillars, and tombs beautifully fashioned and brilliantly colored, with oaken carvings and finely finished walls of marble of different colors. But when the congregation came to see it they discovered that it was still not a perfect church—the whitewash which hid many beauties had likewise concealed some flaws—apparent defects in the marble.

Some of the congregation, it is said, would have preferred the

glare and pretended perfection of a new coat of whitewash; but the great majority preferred to have it as it was, with the flaws exposed, rather than again to conceal them with whitewash. It was later discovered that the defects were apparent rather than real. No part of the marble was inherently defective, and the flaws were present because the marble had not been sufficiently polished. And so with our Carolina Mountaineers. I do not for a moment claim that we are perfect. Far from it. But I do claim that we are of the purest Anglo-Saxon stock. There is no taint of foreign blood in our veins. The material is there; the marble is pure, and the flaws are but surface deep. And throughout the great domain of the mountains, all the way from Stokes to Cherokee, we are seeking to polish away the defects; for it is not the way of the Mountaineer to conceal his faults with whitewash.

"Hail to the Highlands of North Carolina,  
Grandest of States, let them ring with her name!  
Where now the witling who dares to malign her?  
Where now the country that knows not her fame?

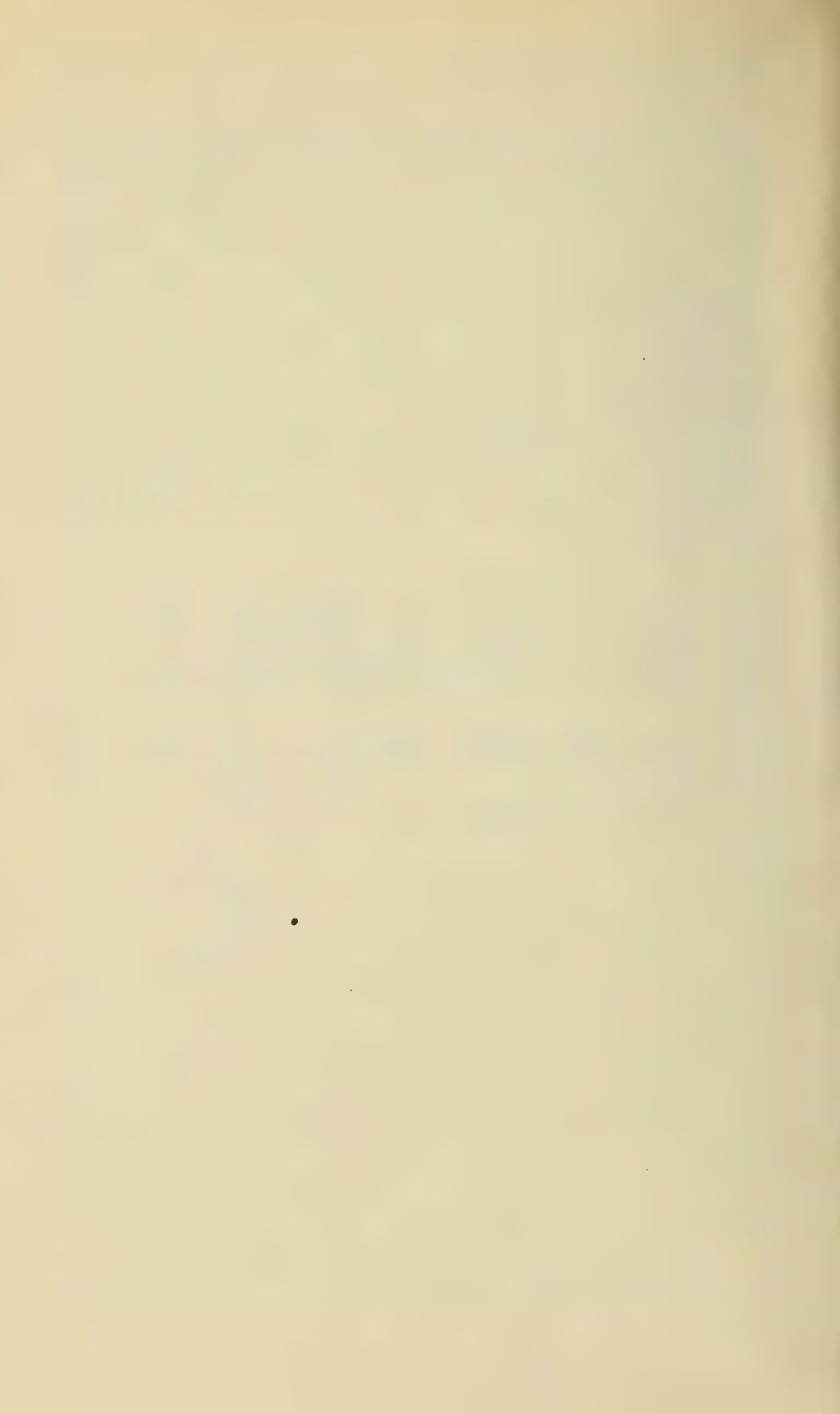
Hail to the Highlands! How fruitful their valleys,  
Boundless their forests and priceless their ores,  
Healthful the zephyr that over them dallies,  
Swept from the glen where the cataract roars.

Hail to the Highlands! The land of bright waters,  
Land of the mountain, the cliff and the dell,  
Health to their sons, long life to their daughters,  
Peace to the homes where the mountaineers dwell.

Hail to the Highlands! Upon them is dawning  
Light that will fill them with wealth and with power.  
What of the noon-tide, if this be the morning?  
What will the fruit be if this be the flower?

THE END.

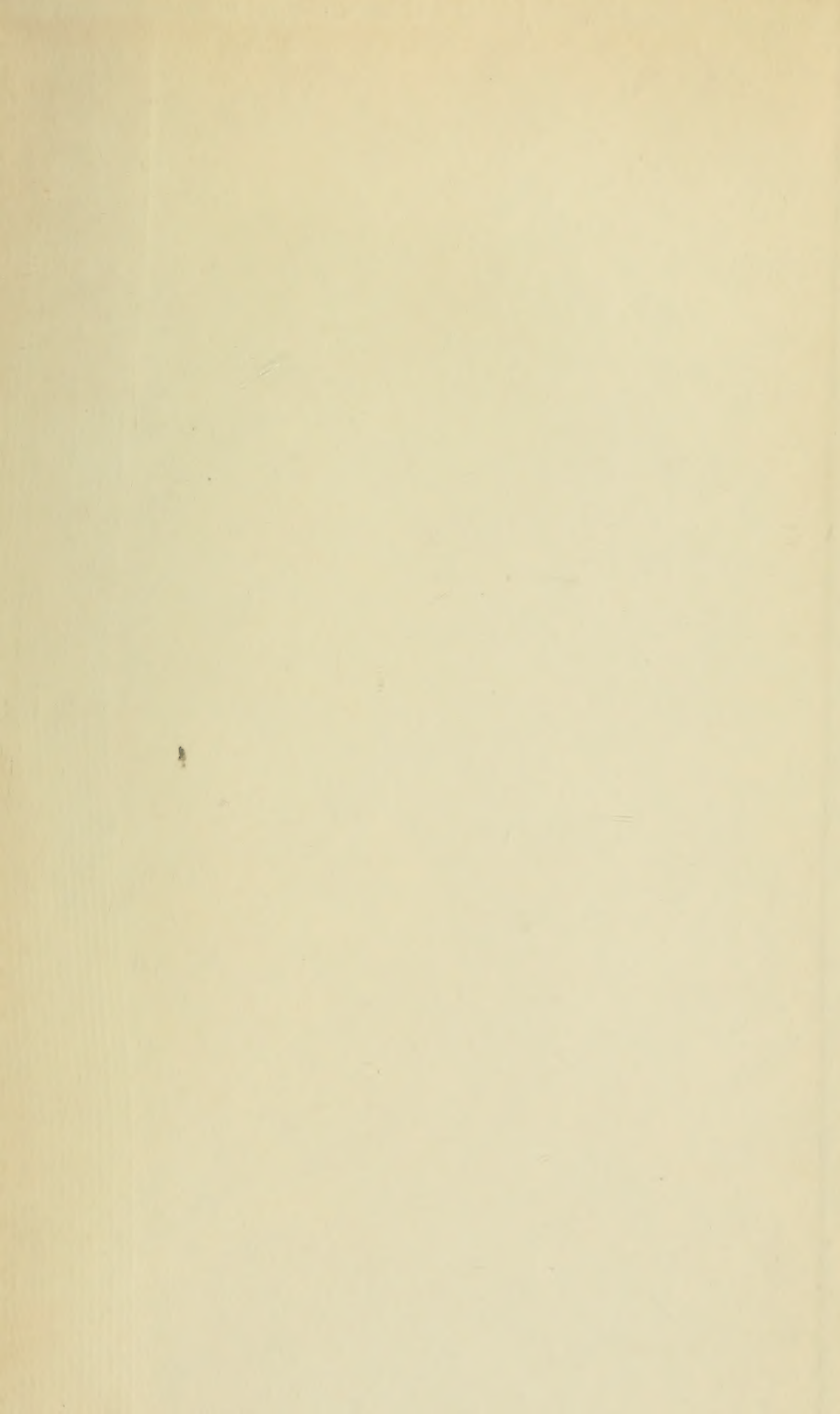














250/4



